

Amendment Sheet

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**5 05/2007/035**

**CHANGE OF USE OF OFFICES TO RESTAURANT WITH MANAGERS FLAT, HAMWOODS, BISHOPS HULL HILL, BISHOPS HULL AS AMPLIFIED BY AGENTS E-MAILS DATED 24TH SEPTEMBER, 2007 AND 29TH OCTOBER, 2007**

As amplified by agents e-mails dated 24th September, 2007 and 29th October, 2007 which have confirmed that the existing outbuilding will be used by the restaurant manager for the parking of their vehicle.

ENVIRONMENTAL HEALTH OFFICER equipment to be installed that will effectively suppress and disperse fumes and/or smell produced by cooking and food preparation as impacting upon neighbouring premises. Ducting should be no less than 1 m above the roof eaves level of the two storey building. Noise from any air extraction system should not exceed background noise levels by more than 3db(A) for a 2 minute leq, at any time when measured at the façade of residential or other noise sensitive premises.

1 ADDITIONAL LETTER OF OBJECTION has been received raising the following issues:- building to rear within 0.5 m of boundary, if no restrictions could be used for restaurant purposes; can a condition be included so building can only be used for storage and not part of business; external lighting a concern don't want to be disturbed by external lighting; location of bin storage could affect me with offensive smells. Highway concerns as previously recorded.

Additional conditions re noise from air extraction system, outbuilding for occupier of the managers flat, no external alterations.

AMENDED RECOMMENDATION:- Subject to the views of the Forward Plan Officer permission be GRANTED ... (as printed).

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**6 09/2007/020**

**ERECTION OF TEMPORARY AGRICULTURAL WORKERS DWELLING AT BOBSHAWNS, WATERROW AS AMENDED BY AGENTS LETTER DATED 28TH SEPTEMBER, 2007 AND ATTACHED PLAN**

2 LETTERS OF OBJECTION AND ONE FOLLOW UP OBJECTION LETTER to original submission have been received raising the following issues:- No professional advice has

been taken on this application; committee report does not acknowledge or deal with fundamental aspects of PPS7, such as 'it is essential that all applications for planning permission for new occupational dwellings in the countryside are scrutinised thoroughly' and it is important to establish whether the stated intentions to engage in farming are genuine, are reasonably likely to materialise and are capable of being maintained; Agricultural appraisal not available on line; PPS7 requires applications for dwellings to be assessed against criteria including the intention and ability to develop the business concerned; to establish and run a milking herd of 150 goats requires 15-20 hectares of land, this site is 8.5 hectares; Has the applicant been able to demonstrate how she is going to source enough feed for this number of livestock (let alone 120 calves); the recently erected buildings were only granted permission last year for cattle housing, are you satisfied that this rapid change in the applicants farming policy is genuine; Has the applicant satisfied you of their long term commitment to milking goats; The facilities required for milking goats differ from those required for calf/cattle housing and it is envisaged that the buildings will require modification, however these buildings could easily be returned to calf/cattle housing if the enterprise fails – this should raise question marks; Referring to the previous permission for 2 agricultural buildings – these were granted permission for winter housing and fodder store for 25 cattle – are you satisfied that these same buildings will now be adequate for the all year round housing of 150 goats, winter housing of 120 calves, milking parlour, dairy and all other associated facilities...? Likely additional buildings will soon be applied for, increasing the impact on the open countryside; scant regard has been made to the requirements of the Environment Agency and Nitrate Vulnerable Zone regulations which could have a major impact on the ability of the applicant to develop the business to the scale proposed; DEFRA are currently proposing amendments to NVZ areas, in place from next February. The land is very steep which would mean there are restrictions on the spreading of FYM or dirty water – the volume of parlour washing would be particularly significant; If the applicant is reliant on transporting all this waste from the site are you satisfied that the increase in traffic is acceptable and the applicant can assure you they have access to adequate land both physically and legally?; Has the applicant considered how waste would be stored on site temporarily – this is likely to require additional structures requiring planning permission; PPS7 Annex A requires clear evidence that the proposed enterprise has been planned on a sound financial basis - no details available; Brief research to establish the viability of goat milking herds shows that a good producer would earn £159 per goat per annum before fixed costs are taken into account or investment put back into the business or building a house; Are you confident that this is a sound financial basis bearing in mind the level of investment already spent on this site and the investment required to modify the buildings; purchase milking equipment and facilities to satisfy the EA; there is no mention in the committee report that the functional requirements of PPS7 have been satisfied – Has the applicant established that it is essential for the proper functioning of the enterprise for the applicant to be readily available at all times; considered the proposal has not been rigorously assessed; The holding is too small to sustain the number of animals (and therefore automatically fails to achieve the business plan developed by the applicant) indicated by the applicant; Good agricultural business guidelines for the stocking rate for milking goats is a maximum of 10 milking goats per hectare, therefore on a 8.5 hectare site there should be 85 goats and no other stock – this level of stocking is surely too great and the RSPCA should be contacted immediately; An internet search indicates that anticipated gross margin figures for milking goat production is around £520 to £550 per hectare, this equates to a sum of £4675 per annum – how will the applicant be able to set up this business, run it, build a house and live off this level of return; long term view to gain a house in the open countryside; risk of pollution from chemical waste to water supply; blight on the countryside;

Additional letter from the agent in response to the representations received. Summary of response:- The first issue is in relation to the gates at the property. There is no enforcement notice in force although the applicant is aware of the requirement from the

enforcement officer that planning permission is now required and will change them as soon as it is practical to do so. Water has been obtained from the neighbouring landowner a copy of an invoice to demonstrate this is attached. In addition a letter from the Environment Agency is submitted which states the applicant, where he is the landowner, has a legal right to abstract up to 20 cubic metres of water a day from his property without requiring a license. In response to the objections received on the viability of the project, there are now a number of small goat dairies operating in the Southwest and farmers are running profitable businesses on the same scale and with the same resources as the applicant. This is a growing market in a depressed agricultural industry, one that should be enthused about rather than criticised with no real justification. In response to comments regarding Proposed Nitrate Vulnerable Zones, as suggested these are proposals. However, the goat enterprise will only produce relatively low volumes of farmyard manure (FYM). The goats will be housed entirely on straw and as such no slurry will be produced. The NVZ requirements do not require that all of this FYM be spread on site. It is common practice in NVZ areas for any excess FYM to be spread on suitable land away from the holding. No slurry will be produced – the only liquid waste will be the dairy washings, which come under different regulations and will be disposed of in line with the requirements of these regulations. With regards to the scenic value of the area, the applicant has worked with the planning department to successfully establish screening of the agricultural buildings. The applicant will continue to co-operate fully with the planning department to screen the proposed temporary dwelling should consent be obtained. In conclusion, it is reiterated that this planning application is in relation to a temporary dwelling. This will give the applicant the chance to develop the business and prove it is a viable business that will provide a suitable income from farming. This type of entrepreneurship should be fully supported and encouraged by the local community rather than opposed on unsubstantiated grounds.

See spread sheet at Appendix.

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**8 30/2007/006**

**CHANGE OF USE OF AGRICULTURAL LAND FOR THE PROVISION OF 4 PITCHES FOR GYPSY OCCUPATION TO PROVIDE UP TO 1 CARAVAN AND 1 TOURING CARAVAN FOR EACH PITCH AND ASSOCIATED CAR PARKING AT FOSGROVE PADDOCK, SHOREDITCH AS AMENDED BY PLAN RECEIVED 12TH SEPTEMBER, 2007 AND ADDITIONAL SUPPORTING INFORMATION**

PARISH COUNCIL The Council has carefully considered the revised application for 4 (as opposed to 6 pitches and your detailed appraisal and recommendation and would reiterate the points we made in our earlier submission. In addition we would like to add the following further points for consideration by the planning committee:- (1) It is our understanding that the conditions attached to the 1997 consent for the family to stay on the site stated that a mobile home and three towing caravans was considered to be too much for the site. We respectfully submit that that remains the case. (2) We are concerned about the domination of the local settled community on the hamlet of Fosgrove by this site and its inhabitants if it is allowed to develop in this way. The current proposed expansion is exponential from the original one

family and with growing families and their members arriving if this application is passed there will no doubt within the next few years be a 'need' for additional family pitches taking the requirement up to 10, 12 even 16 in a relatively short time. The numbers of adults and their children, cars, car movements and mobile caravan movements will be seriously detrimental to the quiet and peaceful community who live immediately adjacent. This will result in a severe loss of amenity for these properties. (3) The Birch family have themselves not found the originally consented accommodation to be adequate and have added a wash room and day room by separate applications. It is highly likely that further applications for shower blocks and washing facilities for the new pitches will surely follow this application were it to be approved resulting in an over development of the site and an urban appearance in the heart of the countryside. (4) We do not consider that the access problems have been given adequate weight in the recommendation. The lane is narrow, unlit and the access to the site runs up a public footpath which is already difficult to use at times due to uncontrolled dogs. The proposal is to take caravans up this grassy lane in order to turn into the site. It will not remain grassy for long if this happens and is unsuitable in any event for heavy vehicles. The applicants have opened a gap in the hedge onto the lane near the bend. We understand from them that this will be used for vehicle access when not towing. The sight lines are poor and we do not consider that this will be safe and adequate for the numbers of vehicles likely to be using it. There is not therefore 'safe and convenient access' such as is required by policy H14. (5) We do not consider that the case for 'need' has been properly made out. That there are not enough sites in the area is not a reason for over developing this one. The applicants have chosen not to implement their existing permission allowing a mobile home on the site in addition to the 2 towing caravan which are permitted. Some family members could be accommodated in these. We accept that they would like to be accommodated together but submit that this is not the appropriate site due to overriding access and local community considerations. (6) Finally we would take issue with the reason given for the planning officer's recommendation. There may be an outstanding gypsy need within the Deane but that cannot be satisfied by members of that community simply taking matters into their own hands without a proper consideration of the Deane area as a whole and where the best available sites might be situated. We believe that the Deane may have such an exercise in hand and if so it would be highly premature to give consent to a site such as this one. We urge the Council to complete its appraisal of sites in the Deane in order to fulfil its requirement for 17 pitches so that sites such as this one (and that in North Curry) are not foisted on the local community without a full and proper assessment being made. In the light of the above points and our earlier submission we urge the planning committee to refuse this application.

2 FURTHER LETTERS OF OBJECTION have been received raising the following issues:- reiterate previous objections in terms of highway objections; highway safety and commercial use of site.

COMMENTS FROM WARD COUNCILLOR I have carefully read, listened to, and considered as many as possible of the arguments on both sides of the debate over this planning application before forming my own view on it as the ward councillor and, having done so, I am opposing the application and I am asking for it to be refused. The balance of the debate in this matter is weighted so far in one direction that I cannot believe any reasonably-minded neutral would support the application,

which therefore leads me to express great surprise that the planning officer in this case has actually recommended approval. The application by Mr Birch is made solely on the grounds of a lack of vacancies on existing sites resulting in an unmet need for his extended family. I have sympathy for his desire to be able to live with his family next door to himself and his wife. However, I am sure there are a great many of the residents of Taunton Deane borough who would also like to be able to subvert the existing planning policies in order to have homes for their family members built next door, especially among the approximately 3,500 people on the housing waiting list at present. As the only grounds for approval in this case is the claimed unmet need, so the application has to fail, because no factual or validated evidence at all has been provided in support of the statement. The planning officer has accepted purely at face value the statement of the applicant, and when I questioned this, the response was that Somerset County Council stated there were no vacancies on any of their sites in the county (I believe there is only one site actually in Taunton Deane, the one at Otterford) and the officer was personally "unaware" of any vacancies elsewhere. When I asked for official occupancy figures on existing sites from the latest count of gipsy sites, the response was: "We are no longer required to count persons or whether vans are occupied etc." All that is counted are the number of caravans and structures on each site, which is done twice a year. It follows therefore that Taunton Deane Borough Council does not know one way or the other whether there are any vacancies and is not in possession of any evidence to support the claim that there are no vacancies. Turning to the need for additional gipsy sites in Taunton Deane generally, the Ark Consultancy has identified a need for 17 additional pitches in the period from 2006 to 2011. Eight of these 17 have been given planning permission between April 1, 2006, and March, 2007, when the Officer Response to Request for First Detailed Proposals was submitted by Somerset County Council on behalf of all the local authorities in Somerset, including Taunton Deane, to the Regional Spatial Strategy for the South West review of gipsy and traveller caravan sites. Therefore, the need for additional pitches to 2011 is reduced to nine pitches. Since March of this year, the council has approved 10 permanent pitches at Slough Green. It would seem, therefore, that all the identified need to 2011 has already been accommodated. Looking in detail at the proposal in this application, it is for four additional pitches at Fosgrove Paddock, each of which would accommodate one mobile home and one tourer caravan – a total of eight additional family homes on the site. This is on top of the existing permission for one mobile home and two touring caravans on the site. If approved, this application would have the effect of allowing 11 family homes to be sited at Fosgrove Paddock. I believe there are approximately only half-a-dozen residents in the entire hamlet of Fosgrove, which is a very relevant point, because, although the planning officer chooses not to make much play of it, the very same planning policy H14 which is being used by the officer to support the application, also states that existing communities should not be dominated by gipsy sites. Policy H14 states the relative size of any proposed gipsy site in relation to nearby settlements must be taken into account. The word 'must' is used, which indicates the importance of this concern. It does not say 'can be taken into account' or 'perhaps', etc, it is quite clear that there is no choice in the matter. Furthermore, central Government's own advice on the matter in Circular 01/2006, while stressing the desire for councils to approve more gipsy sites, states that gipsy sites 'should respect the scale of, and not dominate the nearest settled community' and also talks only of increasing sites in 'locations that are appropriate in planning policy

terms'. Clearly, Fosgrove Paddock is not an appropriate location. Not just for the reasons stated above, but also for the reasons stated by the council's own Landscape Officer, who points out that the proposal would have a 'significant landscape impact' in what is a Special Landscape Area on the edge of the Blackdown Hills Area of Outstanding Natural Beauty . Also, for the reasons stated by the County Highway Authority, which firmly recommends refusal because of the distance of the site from adequate services and facilities (I believe this is about 3k) and the inadequate road access due to restricted width, poor alignment, and lack of footways and lighting on the narrow lanes surrounding the area. Structure Plan Policy 49 further states that any development should be compatible with existing transport infrastructure and in particular should provide access for pedestrians, people with disabilities, cyclists, and public transport - none of which can be achieved on this site. Returning to policy H14, in specifically referring to gipsy sites, this also states there must be 'safe and convenient access by bus, cycle, or on foot to schools and other community facilities'. This cannot be achieved at Fosgrove Paddock. While new central Government guidance suggests there can be more flexibility regarding distance, there is no flexibility regarding safety and putting people's lives at risk on the roads. The planning officer in one sentence accepts the roads are unsatisfactory and that there will be more accidents - photographic evidence of a recent accident has already been presented to the council - but then in the next sentence the officer dismisses this fact by saying it is the same for a 'vast number of rural roads'. I find such a statement to be incredulous. No development of eight homes on a single site would be allowed in any rural area where the roads were as dangerous, and the rules cannot be allowed to be bent in this way. For the Gipsy Advisory Group to also dismiss the road dangers on the grounds that gipsies 'always drive with exceptional care' is to my mind bordering on contempt for the planning system. I note the European Human Rights Act (EHRA) is used to support the application the grounds of not discriminating against an individual's right to respect for their private and family life and home, on the grounds of race, colour, etc. However, this is a fatuous argument to use, as the EHRA can equally be used to defend the rights of existing Fosgrove residents from positive discrimination in favour of gipsies and therefore is an irrelevance in considering this particular application. Circular 01/2006 from the Government even states positively that the EHRA does not give gipsies any right to establish a site in contravention of planning control. I believe there was also a High Court ruling given in 2005 that gipsies, their families, and their culture do not have any right to be placed above the need for fair and firm enforcement of the planning laws that apply to everybody else in the community. The planning officer, and Mr Birch himself, make great play on the need for four additional caravans at Fosgrove Paddock to accommodate Mr Birch's mother-in-law, his daughter, his son, and his brother-in-law's family. Yet, Mr Birch already has planning permission granted in 2002 for two caravans which he has not yet implemented. Furthermore, in putting his case for being given the additional two caravans in 2002, Mr Birch stated in a letter that they were necessary at that time to give his daughter and his son 'their own space and privacy'. He therefore already has the ability to accommodate half of his extended family on the site without bringing forward this particular planning application. The planning officer states that the Ark Consultancy needs assessment was based only on the known need at the time and did not identify the need now brought forward by Mr Birch's family. From my reading of the Ark Consultancy report, it was a very extensive piece of work and it was carried out since the 2002 planning permission

obtained by Mr Birch. If Mr Birch and his family did not co-operate with the research at the time, I do not believe that is a reason for overriding its findings now. Indeed, if the planning officer's argument is accepted, then there was no point at all in having the Ark Consultancy research carried out, because the council will have to deal with every subsequent application on its merits without taking any notice of the survey findings anyway, making that exercise completely pointless. Indeed, at this moment I understand there is a further application already submitted but not yet registered for a permanent extension to the gipsy site at Culmhead. Approving the Fosgrove Paddock application will have the effect of opening the floodgates for further similar applications which will be hard for the council to resist. Looking at the council's latest gipsy site count, carried out in July, 2007, and trying to match it with existing planning consents, it also seems a number of sites have not yet implemented all of their permissions, which means there is still slack in the existing sites to be taken up. The original application by Mr Birch to the council was for six additional pitches at Fosgrove Paddock and there was no mention of 'family need' at that time. I note the 'family need' argument has only been put forward since, after it became apparent that the application would be strongly opposed. There has already been a creeping increase in the scale of development of this site over the years since a temporary permission was approved in 1997, with additional structures being somewhat reluctantly allowed. I strongly suspect that allowing a further four pitches on this site will only lead to a further application in the not-too-distant future for the other two pitches which have for the moment been dropped by Mr Birch as a concession in his negotiations with the planning officer to encourage a recommendation of approval. Further applications for the infrastructure to support the additional pitches would also inevitably follow in any case, increasing still further the developed nature of this rural site. I am somewhat surprised that there is no reference in the planning committee report to the existence or capacity of any drainage and sewerage facilities at this site, which raises the question as to how these would be dealt with if another four to eight families were allowed to live on the site. The reference in the application to 'associated car parking' is also extremely vague and if the application was approved, this could be interpreted in a way that would allow any number of vehicles to be kept on the site. If the 'family' argument is accepted now, there will also in the future not be any way that the council can prevent this site from being further extended as and when Mr Birch's nephew and niece grow up and if and when grandchildren appear on the scene and grow up, and so on. I have tried hard to look for some positives in all the information which has been put forward in this matter in order to balance the above comments, but apart from the fact that the future of Blagdon Hill School would undoubtedly benefit from extra pupils, and an acceptance that Mr Birch keeps his site clean and tidy, there is little which can be put forward. On almost every other statement regarding the applicant's conduct, including even such matters as the size and nature of his dogs, I have heard contrary views put forward. For all of the above reasons, I therefore have to ask that this application not only be refused, but, given the nature of the application, that the committee considers carefully their stated planning reasons for such refusal in order that the decision can be defended if it is appealed.

SOMERSET COUNTY COUNCILLOR I am totally against this application and fully support the objections made by various objectors and the Parish Council. Four caravans is far too much for this site. I feel this development will be detrimental to

the quiet community of Fosgrove and will greatly increase the population of this hamlet. It will also cause terrible traffic problems.

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**9 36/2007/016**

**RETENTION OF BARN FOR HOLIDAY USE INCLUDING BLOCKING UP OF WINDOWS, RETENTION OF WIND TURBINE AND OTHER RENEWABLE ENERGY PROVISION ON ROOF AT HIGHER HOUSE FARM, HELLAND LANE, STOKE ST GREGORY**

1 FURTHER LETTER OF SUPPORT has been received point out the technical problems of having to re-site solar panels away from the roof and why they should remain as installed.

A statement from the Energy Company that installed the solar panels advising of technical reasons for the roof installation.

A wildlife report has been submitted.

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**11 43/2007/107**

**EXTENSION AND CONVERSION OF PUBLIC HOUSE INTO 11 NO. FLATS, SANFORD ARMS, 57 SOUTH STREET, WELLINGTON AS AMENDED BY LETTER DATED 5TH OCTOBER, 2007 WITH ACCOMPANYING DRAWING NO. BP1996/04A AND E-MAIL DATED 5TH OCTOBER, 2007 AND AMPLIFIED BY LETTER DATED 4TH OCTOBER, 2007 WITH ACCOMPANYING DETAILS**

WARD COUNCILLOR this area already has traffic and parking problems. I fear here is overdevelopment which will lead to greater parking problems in areas such as Wellesley Park.

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**12 43/2007/133**

**ERECTION OF TWO STOREY BUILDING TO INCORPORATE 2 NO. ONE BEDROOM UNITS AND 2 NO. TWO BEDROOM UNITS AT LAND ADJACENT TO HUMPHREYS ROAD, WELLINGTON**



TOWN COUNCIL object to the above application because it will result in a reduction of amenity/play space in an area which is already deficient in such provision.

WARD COUNCILLOR this is a totally inappropriate use of this land for housing. The development will cramped and cause overlooking. I am also concerned about traffic problems. This site has been consistently opposed by local residents.

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Copies to:

CHAIR/NTN/TB/JM/CDW/AG/DA/JH/KM/JLH/IC/TAB/CJW/HM/H&L/RWF/

Planning Reception/JJ/RB/17 Committee Members/15 Public