



To: Members of Planning Committee

Councillors S J Pugsley (Chair), B Maitland-Walker (Vice Chair), I Aldridge, D Archer, G S Dowding, S Y Goss, A P Hadley, T Hall, B Heywood, I Jones, C Morgan, P H Murphy, J Parbrook, K H Turner, R Woods

Our Ref TB/TM

Your Ref

Contact Tracey Meadows t.meadows@tauntondeane.gov.uk

Extension 01823 356573

Date 29 October 2015

**THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THE MEETING
THIS DOCUMENT CAN BE MADE AVAILABLE IN LARGE PRINT, BRAILLE, TAPE FORMAT
OR IN OTHER LANGUAGES ON REQUEST**

Dear Councillor

I hereby give you notice to attend the following meeting:

PLANNING COMMITTEE

Date: Thursday 5 November 2015

Time: 4.30 pm

Venue: Council Chamber, Council Offices, Williton

Please note that this meeting may be recorded. At the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you advise otherwise, by entering the Council Chamber and speaking during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact Democratic Services on 01823 356573.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Bruce Lang".

BRUCE LANG
Proper Officer

PLANNING COMMITTEE

THURSDAY 29 OCTOBER 2015 at 4.30pm
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA

1. Apologies for Absence

2. Minutes

Draft Minutes of the Meeting of the 27 August 2015 - **TO FOLLOW**

3. Declarations of Interest or Lobbying

To receive and record any declarations of interest or lobbying in respect of any matters included on the agenda for consideration at this meeting.

4. Public Participation

The Chairman/Administrator to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public wishing to speak at this meeting there are a few points you might like to note.

A three minute time limit applies to each speaker and you will be asked to speak after the officer has presented the report but before Councillors debate the issue. There will be no further opportunity for comment at a later stage. Where an application is involved it has been agreed that the applicant will be the last member of the public to be invited to speak. Your comments should be addressed to the Chairman and any ruling made by the Chair is not open to discussion. If a response is needed it will be given either orally at the meeting or a written reply made within five working days of the meeting.

5. Town and Country Planning Act 1990 and Other Matters (Enforcement)

To consider the reports of the Planning Team on the plans deposited in accordance with the Town and Country Planning Act 1990 and other matters - **COPY ATTACHED** (separate report). All recommendations take account of existing legislation (including the Human Rights Act) Government Circulars, Somerset and Exmoor National Park Joint Structure Review, The West Somerset Local Plan, all current planning policy documents and Sustainability and Crime and Disorder issues.

Report No: Fifteen

Date: 29 October 2015

<u>Ref No.</u>	<u>Application/Report</u>
3/26/15/013	Land at Merry Oaks, Cleeve, Watchet, TA23 0LB
3/10/11/001	Variation of S106 Agreement – Higher Marsh Farm, Marsh Lane, Dunster Marsh

6. Exmoor National Park Matters - **Councillor to report**

7. Delegated Decision List - **Please see attached**

8. Appeals Lodged

Appeal against the refusal of 'Demolition of existing derelict garden storage buildings and partial demolition of garden boundary walls and fences, to be replaced by new boundary walls and fences. Erection of a four bedroom house on part of the garden and enlargement and resurfacing of adjoining parking area' at 3 Seaview Terrace, Watchet, TA23 0DF (planning application 3/37/15/003).

Appeal against the refusal of 'Demolition of existing derelict garden storage buildings and partial demolition of garden boundary walls and fences, to be replaced by new boundary walls and fences. Erection of a four bedroom house on part of the garden and enlargement and resurfacing of adjoining parking area. Resubmission of 3/37/15/003 – at 3 Seaview Terrace, Watchet, TA23 0DF (planning application 3/37/15/009).

Appeal against the refusal of 'Extension to enlarge bedroom, lounge and kitchen and provide new bathroom and study' at 55 Cleeve Park, Chapel Cleeve, Old Cleeve, Minehead, TA24 6JF (planning application 3/26/15/010).

9. Appeals Decided

Erection of single storey extensions to south west elevation (front) and north east elevation (rear) at Higher Thornes Farm, Lower Weacombe, Taunton, TA4 4ED – Planning Appeal is allowed.

RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

Likelihood (Probability)	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
			Impact (Consequences)				

Application No:	3/26/15/013
Parish	Old Cleeve
Application Type	Full Planning Permission
Case Officer:	Elizabeth Peeks
Grid Ref	Easting: 304218 Northing: 139991
Applicant	Mr David Greenslade
Proposal	Erection of 3 bed house
Location	Land at Merry Oaks, Old Cleeve, Watchet,TA23 0LB
Reason for referral to Committee	Chairman agreed that the application should be considered by the Planning Committee following Ward member request

Risk Assessment

Description	Likelihood	Impact	Overall
Risk: Planning permission is refused for reason which could not be reasonable substantiated at appeal or approved for reasons which are not reasonable	2	3	6
Mitigation: Clear advice from Planning Officers and Legal advisor during the Committee meeting	1	3	3

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

Site Location:

Land at Merry Oaks, Old Cleeve, Watchet,TA23 0LB

Description of development:

Erection of 3 bed house

Consultations and Representations:

The Local Planning Authority has received the following representations:

Highways Development Control

Standing advice

Old Cleeve Parish Council

They have no objections to this proposal and continue to be supportive of the applicant and the proposal. They would like to request please that this application should go to Committee.

Public Consultation

The Local Planning Authority has received 1 letter of support making the following comments (summarised):

- Low visual impact on the area and close neighbours
- The release of a family sized house will result in likely further support of local amenities so potentially helping to retain employment

- Will help sustain transport links
- Access to the bus stop is a sensible distance and is used by myself and daughter. Lack of light or pavements is not an issue as this is a common situation
- Traffic will have a minimal impact as an existing entrance is to be used.
- Allows the applicants, a local family to continue to provide their services in the area
- Agree with the Parish Council comments

Planning Policy Context

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006). West Somerset is in the process of developing the emerging Local Plan to 2032, which will replace the strategy and some of the policies within the adopted Local Plan. The emerging Local Plan has been submitted for examination and therefore the policies should be given weight as a material consideration.

The following Policies are considered relevant to this application:

- SP/1 Settlement Hierarchy
- SP/5 Development Outside Defined Settlements
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- T/3 Transport Requirements of New Development
- T/8 Residential Car Parking
- LC/3 Landscape Character
- NH10 Securing high standards of design
- SD1 Presumption in favour of sustainable development
- TR2 Reducing reliance on the private car

National Policy

[National Planning Policy Framework \(the NPPF\)](#) _
[Technical Guidance to the National Planning Policy Framework \(the NPPG\)](#)

Local Policy

[West Somerset Local Plan \(2006\)](#) _
[West Somerset Local Plan to 2032 Revised Draft Preferred Strategy \(June 2013\)](#)
[Somerset County Council Parking Strategy \(2013\)](#)
[Somerset County Council Highways Development Control Standing Advice \(2013\)](#)

Planning History

The following planning history is relevant to this application:

Case Ref	Address	Proposal	Decision	Decision Date
3/26/74/044*	Land surrounding Cliff Cottage, Washford	Erection of three dwellings	Refused	31 January 1975
3/26/76/002*	Cliff Cottage, Washford	Erection of two dwellings	Refused	26 March 1976
3/26/00/057	Merry Oaks site	Erection of one dwelling	Refused	25 January 2001
3/26/01/030	Erection of single	Erection of single	Grant	13 December 2001

	dwelling (O/L) (Merry Oaks)	dwelling		
3/26/03/010	Erection of single dwelling (Merry Oaks)	Proposed House	Grant	12 August 2003
3/26/14/010	Wood processing yard near Merry Oaks	Construction of new 3 bedroom dwelling	Refused	24 June 2014
3/26/14/022	Wood processing yard near Merry Oaks	Erection of 3 bedroom house with home office (resubmission of 3/26/14/010)	Refused	4 December 2014
3/26/15/007	Wood processing yard near Merry Oaks	Erection of 3 bed house with home office (amended scheme to 3/26/14/022)	Withdrawn	3 August 2015

*3/26/74/044 - relates to 2 plots on the application site and the third plot is now Merry Oaks

*3/26/76/002 - relates to the plots, Merry Oaks and Lampark

Proposal

The application seeks planning permission for the erection of one dwelling with home office with the access to the site being an amended access that is situated between the two properties, Woodlands and Lampark. The proposed dwelling would be three storey and uses the site levels. The ground floor would accommodate a triple garage, utility room, shower room, conservatory and office. On the first floor a kitchen, living room, sitting room storage area, toilet and balcony are proposed. Three bedrooms (one ensuite) and a bathroom are proposed on the second floor. The ground floor walls and the proposed retaining walls are to be constructed of concrete block whereas the walls for the first and second floors would be clad in timber with local larch board. The roof would be covered in slate and solar panels are proposed on the front (south) elevation. The existing concrete access is to be altered by moving the access in an easterly direction. 900mm visibility splays of 14.5m in both directions are proposed and a retaining wall of 750mm is proposed within the eastern visibility splay. Approximately 2m of the bank to the adjoining property, Lampark is to be battered back and a hedge replanted. In addition approximately a further 2m section next to the proposed area to be battered back will be reduced to the level of the existing access track.

This application is the same as the two refused in 2014 other than improvements to the access are now proposed.

Site Description

The site appears to have been a quarry in the past and is located in an elevated position immediately above two dwellings (Lampark and Cliff Cottage) that are sited near road level. To the rear of the site is a steep slope that has a number of trees and undergrowth growing on it. The area to be developed is flat but the rear of the property will utilise the bank by cutting into the bank. The boundary to the dwellings below (South) of the application site is demarked by a hedgerow and trees. The properties below the site also have a number of trees near the site boundary. To the north and west are rolling grassed fields bordered by hedgerows. To the east are the properties known as 1 and 2 Sunnyside. On the site there is evidence of equipment used in association with the logging business (sawing machine, cut wood and a gas cylinder) but these are currently hidden by undergrowth.

Planning Analysis

1. Principle of Development

The site lies in open countryside outside any development limit. As the Council can demonstrate that it has a five year land supply saved local plan Policy SP/5 is the relevant settlement policy where proposals will only be permitted if the proposal benefits both economic and social activity without leading to a significant increase in car travel and maintains or enhances environmental quality as well as according with other policies in the local plan. It is considered that there are limited social and economic benefits. There will be an increase in car travel but this is not substantial and the dwelling whilst large and will be visible in the landscape due to its elevated position can be controlled by condition. Overall it is considered that the proposal does not comply with the first part of the policy - social and economic benefits and as such the proposal is not acceptable in principle from the development plan point of view.

As well as the development plan, the NPPF is a material consideration. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 7 of the NPPF is the crucial test in determining whether or not a development proposal is sustainable. This paragraph sets out the three dimensions to sustainable development. An economic role, a social role and an environmental role. In addition, paragraph 29 of the NPPF states that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability criteria. These issues are discussed below.

Paragraph 55 of the NPPF is also relevant and states that to promote sustainable development in rural areas housing should be sited where it will enhance or maintain the vitality of rural communities. Isolated new homes in the countryside should be avoided unless the proposal fulfils a special circumstance such as the essential need for a rural worker to live permanently at or near their place of work in the countryside, it would represent the optimal viable use of a heritage asset, would reuse a redundant or disused building or the design would be of exceptional quality or innovative. Whilst it is noted that the applicant wishes to work from home in a consultancy role, as a consultancy role does not necessitate the need to live in the countryside this application is not for a rural worker that needs to live near their place of work. In addition developing this site whilst resulting in the loss of the existing rural business in this location. Furthermore taking into account the other special circumstances noted in paragraph 55 there is no heritage asset and there would be no reuse of an existing redundant building, the design of the dwelling whilst utilising various eco elements is not considered to be of an innovative nature or of an exceptional design. No other special circumstances have been put forward. The proposal is therefore not acceptable in principle with regard to paragraph 55.

2. Character and Appearance of the Area

The site is in a very prominent position in an elevated position above existing dwellings and has a back cloth of a vegetated slope and fields. There are also two dwellings in the vicinity that are at a similar elevated level above the road. The properties in the area are predominantly render or stone (or a mixture of both) with slate roofs.

A photo montage has been submitted to show how the proposed dwelling will appear in the landscape. Whilst it will be a large and visible dwelling due to its footprint, height and the large amount of glazing proposed on the front elevation it is considered that the dwelling would not detract from the character of the area as the existing dwellings are located at various heights along the hillside and so the proposed dwelling would not look out of place or detract from the landscape. The use of landscaping and the existing trees also help in assimilating the dwelling into the area.

The site is not in a Conservation Area and the nearest listed buildings, St Pancras Chapel and the Wellhead are situated approximately 90m to the south west of the application site on the south side of the Hungerford - Roadwater Road. Due to the distance involved, trees and difference in height between the two sites the setting of the listed buildings are considered not to be adversely affected.

3. Residential Amenity

The site lies above Cliff Cottage but due to the difference in height and location of Cliff Cottage and the proposed dwelling there will be very limited overlooking. The occupants of Cliff Cottage have not raised any objections based on overlooking or loss of privacy. A number of trees within the garden of Cliff Cottage help to reduce any potential overlooking (aswell as helping to screen the proposed property).

The proposed dwelling will not over look any other adjoining property. The access to the site runs past two properties, Merry Oaks and Lampark but as this access has been used in conjunction with the logging business it is considered that the continued use by domestic rather than larger vehicles will not increase any potential impact (e.g.noise) on the occupants of these two properties.

The proposed amenity area for the proposed house is considered to be sufficient.

It should be noted that the applicant has stated that should planning permission be refused for the dwelling that he will need to mechanise the existing business to reduce the amount of manual input required. To do this a large shed to store the firewood together with a wood processing machine, an electronic extractor fan to collect and bag sawdust plus a chipping unit for lighting wood would be required. This will result in needing to process higher volumes of timber. Firewood would be transported to the site by 35 ton lorries where they will be unloaded on the drive and taken to the site by tractor and forwarder to be processed. Sales would be primarily wholesale on pallets, loaded with a forklift for delivery in bulk together with local deliveries. The applicant considers this will increase noise, dust and traffic. The erection of any buildings would require a prior notification application where the siting, design and external appearance are assessed. This means that the buildings can not necessarily be erected. With regard to the potential nuisance issues of noise and dust this would be controlled under Environmental Protection legislation. It is therefore not known if any new buildings can be built to carry on the business and this should be attributed little weight in a decision being made.

4. Highway Safety

One of the reasons for refusal on the two previous schemes that were refused in 2014 related to the severely restricted visibility of the access in a westerly direction being unsuitable for the proposed development. The Highway Authority however, raised objections to these two schemes as the visibility onto the Hungerford - Roadwater Road have severely restrict visibility on the western side of the access which is considered unsuitable for use in connection with the proposed development. With regard to this application the Highway Authority have advised that standing advice should be used to determine the highway issues. The proposed alterations meet this advice interms of length of visibility splays and height within the visibility spaly but a drainage channel across the access is not shown. It is considered that as the access is to be moved in an easterly direction, the entrance will be widened and the visibility splays are to be improved and should permission be granted a coondition can be imposed to ensure that the drainage channel is provided that this application should not be refused on highway safety grounds.

5. Flood Risk

The site and access are within Flood Zone 1. The Environment Agency has not objected to the scheme. It should be noted however that the Parish Council and neighbours on the previous schemes have drawn attention that surface water flooding of the road occurs. The applicant have stated that they intend to form a catch pool to hold water for slower release to the drains. This issue could be resolved by a suitably worded drainage condition.

6. Other Implications

Sustainability

As noted above sustainability is an issue that needs to be addressed. A number of sustainability issues have been discussed above but one that needs to be further explored is access to local facilities as there are no local facilities amongst the scattering of houses where the proposed dwelling is to be located. The nearest public house (The White Horse) is approximately 0.4km away and the nearest local village shops are approximately 2.1km (Roadwater) and 1.3km (Washford) away. It should be noted that the edge of Roadwater is approximately 0.8km but the majority of facilities (local shop, post office and village hall) are at the far end of the village. The Washford shop also accommodates the local Post Office. The nearest first school is in Washford and is approximately 1.6km away whereas the middle schools are in Williton or Minehead and the College is in Minehead. Walking to the middle and secondary schools would not be practicable due to the nature of the roads involved as well as the distances involved. Walking to Washford or Roadwater would be a long windy, narrow lanes without good forward visibility with no footways (except in sections within Roadwater and Washford) and largely being unlit. These issues have been addressed at appeal in a number of cases including the erection of 6 dwellings on the edge of Sampford Brett (3/28/12/002 and 3/28/13/003). In both of these appeals the Inspector concluded that not only the distance but the quality of the walking environment need to be considered as does the capability of the local shop for example, to fulfill every day needs. It is considered that the distances involved and the nature of the walking environment are similar to those in the Sampford Brett appeals in that there are few footways, the roads are unlit and the distances involved to reach a shop that can cater for every day needs. In this instance it is considered that Williton is the nearest place that has a shop that can cater for every day needs, some 4.5km away. It is therefore concluded that due to the above the proposal is not sustainable and as such does not accord with the NPPF.

The nearest bus stop is on the A39 in Washford where there is a regular half hourly bus service until early evening. Due to the distance involved together with the nature of the road to the bus stop it is unlikely that the occupants of the proposed dwelling will use public transport instead of the car. In addition as the evening service is limited there will be a need to use private transport in the evenings. The applicant has advised that there is a bus service that runs twice weekly from Roadwater. This is understood to be a shopper bus run by community transport. This bus service is therefore suitable for shopping but not for commuters for example.

Home Office and Timber Business

A home office is also proposed within the dwelling as the applicant wishes to change the emphasis of his timber hauling business to a consultancy business. It is considered that the erection of a dwelling for running a consultancy on this site is not essential as a consultancy business does not need to be in this location. It could be located in the applicant's existing dwelling, Merry Oaks or elsewhere. The applicant states that if permission is not granted for the house the existing business will need to be mechanised and a building will be required. As it is considered that the consultancy business can occur without the erection of a new dwelling it is considered that it does not necessarily follow that the business needs to be changed as outlined by the applicant on the site as the applicant can carry out his

consultancy business in lieu of the timber business. The applicant however considers that he can not afford to give up the manual work and run a consultancy business which would be on a lower income. The applicant advises that he cannot afford to retire but if he sold his current house and so reduce his mortgage and build another house his workload can be reduced. Whilst this argument is understood it must be remembered that the planning merits of the proposal need to be assessed and that personal circumstances do not usually play a part in the decision process. In this instance it is considered that the applicant's personal circumstances are not an exception that should be taken into account and as such a dwelling on the grounds of personal circumstances can not be supported .

Environmental Impact Assessment

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 and so Environmental Impact Assessment is not required.

Conclusion and Recommendation

It is considered that the proposal, is unacceptable and it is recommended that planning permission be refused.

Reason for Refusal :

- 1 The application site lies outside any development limit with the nearest village being approximately 1.3km away. The village is small, has few facilities and is significantly distant from the application site. The roads that would connect the site to Washford and Roadwater are narrow with no footways, high hedgebanks and little lighting, making it unlikely that future residents would walk to the nearest local facilities. In addition the use of the bus service in preference to using their cars is unlikely due to the distance to the bus stops and the service provided. In light of these factors it is considered that the site cannot be regarded as sustainable in transport terms. The economic benefits of the proposal would be very limited and they would not outweigh transport sustainability issues. There would not be any substantive social or environmental benefits of the proposed development. Overall it is considered that the proposed development cannot be classified as sustainable development. As such this proposal does not accord with policies within the National Planning Policy Framework. and does not accord with saved policy SP/5 of the adopted West Somerset District Local Plan (2006).

Notes

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority. During the course of pre-application discussions the applicant was informed that, in the view of the local planning authority, the proposal was considered to be unacceptable in principle because it was contrary to the strategic policies within the Development Plan / policies within the National Planning Policy Framework, as such the applicant was advised that it was likely that should an application be submitted it would be refused. Despite this advice

the applicant choose to submit the application. The concerns raised during the pre-application discussions/ correspondence remain and, for the avoidance of doubt, were reiterated to the applicant during the course of the application.

The application was considered not to represent sustainable development.

For the reasons given above and expanded upon in the planning officer's report, the application was considered to be unacceptable and planning permission was refused.

- 2 This decision relates to Drawing Numbers: 2288 SP Rev B, 2288 P02, 2288 (landscaping proposals), 2288 Rev B and plan showing proposed highway improvements.



Application No 3/26/15/013
Erection of 3 bed house with
home office
Land at Merry Oaks, Old Cleeve,
Watchet, TA23 0LB
19 August 2015

Planning Manager
West Somerset Council
West Somerset House
Killick Way
Williton TA4 4QA
West Somerset Council
Licence Number: 100023932



This Map is based upon Ordnance Survey material with the
permission of Ordnance Survey on behalf of the controller of
HMSO © Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may
lead to prosecution or civil proceedings.
Easting: 304218 Northing: 139991 Scale: 1:2500

Application No:	3/10/11/001
Parish	Dunster
Applicant	Strongvox
Proposal	Variation of S106 Agreement
Location	Higher Marsh Farm, Marsh Lane, Dunster Marsh
Reason for referral to Committee	Amendment required to affordable housing scheme originally agreed by Committee on 30th June 2011

Risk Assessment

Description	Likelihood	Impact	Overall
Risk: Planning permission is refused for reason which could not be reasonable substantiated at appeal or approved for reasons which are not reasonable	2	3	6
Mitigation: Clear advice from Planning Officers and Legal advisor during the Committee meeting	1	3	3

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

History

On 30th June 2011, Planning Committee granted approval to an outline application from The Crown Estate for the demolition of existing farm buildings and erection of up to 54 residential dwellings, open space, landscaping and ancillary works.

At the time of the application, negotiation secured 21% of the dwellings as affordable. This was below the 35% policy requirement as they were secured to be delivered at social rent levels via a Registered Provider. Viability evidence was provided at the time to support the lower level of affordable housing.

Current

The development site has since been purchased by Strongvox. They are aiming to start on site by the end of October, however, one of the Planning Conditions attached to the approval is that they enter into contract with a Registered Provider prior to start on site.

As detailed in a previous report circulated to all Councillors, since the budget in July, Registered Providers have been unable to commit to new schemes due to the impact of rent reductions imposed on them and uncertainty over the extension of the Right to Buy currently making its way through Parliament in the Housing and Planning Bill. Their core function is as a landlord and their first responsibility to their tenants. They are, therefore, currently in the process of reviewing their business plans and reducing their commitments accordingly.

Strongvox have tried their utmost to find a partner Registered Provider to deliver the affordable housing on this scheme. They have engaged with the Council through its Affordable Housing Group and all partners have declined the opportunity. The Enabling Team have also been in touch with development partners of each neighbouring authority and has requested the assistance of the Homes and Communities Agency but have also had no success.

Following further discussions with the Enabling Team, Strongvox have requested a variation to the original Section 106 Agreement to enable them to deliver the affordable units as discounted purchase homes rather than social rented – although they have left the opportunity to deliver up to 5 dwellings in this way should we be able to secure a Registered Provider partner prior to site completion.

This variation will ensure that the scheme gets built out, it still secures 21% of the dwellings as affordable and still gives us the opportunity to deliver some social rented dwellings on site if possible. The developer has offered larger discounts than normally achieved, particularly in relation to the two and three bed houses:-

- 1 Bedroom – 25% (sold at 75% of market value)
- 2 Bedroom – 30% (sold at 70% of market value)
- 3 Bedroom – 35% (sold at 65% of market value)

The affordable homes will be sold within the terms of the local connection criteria set out in the original Agreement and will be affordable in perpetuity.

Recommendation

That Planning Committee approve the variation to the Section 106 Agreement to enable the affordable dwellings to be delivered using a Discounted Purchase model with the potential to deliver up to 5 as social rented via a Registered Provider if a partner can be secured.

Delegated Decision List

Ref No.	Application	Proposal	Date	Decision	Officer
3/04/15/011	Land at Allshire, Allshire Lane, Brushford, Tiverton, EX16 9JG	Conversion of barn to a holiday let.	15 September 2015	Grant	EP
3/04/15/014	Dovetails, Brushford New Road, Brushford, TA22 9AG	Erection of porch	30 September 2015	Grant	BM
3/04/15/015	Croft Farm, Brushford, Dulverton, TA22 9RS	Removal of conservatory and erection of two-storey extension	24 September 2015	Grant	BM
3/04/15/016	1 Orchard Cottage, Eilersdown Lane, Brushford, Dulverton, TA22 9AR	Replace polycarbonate roof to conservatory with "tapco" lightweight slate effect roofing system, replace gable glazing with timber cladding, extend porch to front of property install rooflight	15 October 2015	Grant	BM
3/05/15/005	Loxhole Sawmill, Dunster, Minehead, TA24 6NY	Lawful Development Certificate for a change of proposed use to business (Class B1), motor vehicle repairs (Class B2), limited sale of vehicles and accessories (Class A1), plus storage of caravans, boats, trailers, etc (Class B8).	18 September 2015	Refuse	SK
3/05/15/010	Land Adjoining 1	Outline planning	23	Refuse	RW

Marshwood Cottages, Blue Anchor, TA24 6JY application (all matters reserved except access) for construction of dormer bungalow September 2015

Ref No.	Application	Proposal	Date	Decision	Officer
3/05/15/012	Footlands Cottage, Orchard Road, Carhampton, Minehead, TA24 6NW	Erection of a detached dwelling with associated vehicle parking (resubmission of 3/05/15/008)	15 October 2015	Grant	EP

Ref No.	Application	Proposal	Date	Decision	Officer
3/07/15/006	Hooks, Crowcombe Road, Crowcombe, Taunton, TA4 4AE	Re-roofing the verandah in zinc only	30 September 2015	Grant	EP

Ref No.	Application	Proposal	Date	Decision	Officer
3/18/15/008	Kilve Cricket Club, Sea Lane, Kilve, Bridgwater, TA5 1EG	Erection of replacement scorers hut / store	05 October 2015	Grant	RW

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/15/063	22 Bampton Street, Minehead, TA24 5TT	Replacement roof coverings and installation of two rooflights to two lean-tos at the rear of the property, replacement window and retention of external wooden cladding.	09 October 2015	Grant	EP

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/15/064	Land north east of Junction of Periton Lane with Periton Road, Minehead, TA24 8DY	Variation of condition 1 (relating to materials) on planning permission 3/21/06/159 in order to use a concrete wall clad with natural	17 September 2015	Grant	SK

Capton quarry red stone instead of a log retaining wall and to use Kassandra Multi brick on plots 4 and 5 up to the first floor level.

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/15/065	6 Oak Close, Minehead, TA24 8TY	Change of use from single dwelling to two flats.	08 October 2015	Withdrawn by Applicant	SK
3/21/15/067	24 Bampton Street, Minehead, TA24 5TT	Installation of a ground floor WC and lobby off the existing kitchen plus reduction of the size of the masonry wall between the kitchen and garden room.	15 September 2015	Grant	EP
3/21/15/070	The Garden House, 1 Hemp Garden, Minehead, TA24 5JG	Erection of a two storey extension to the north west elevation with integral garage and a single storey sunroom extension to the south east elevation.	24 September 2015	Grant	BM
3/21/15/077	7 Church Steps, Minehead, TA24 5JS	Undertaking repair works to the existing roof, internal floor joists, lintels and external render.	15 October 2015	Grant	EP
3/26/15/012	The Washford Inn, Station Road, Washford, TA23 0PP	Display of externally illuminated fascia, gable and	22 September 2015	Grant	SK

hanging signs
and post

Ref No. 3/26/15/014	Application 31 Cleeve Park, Chapel Cleeve, Minehead, TA24 6J	Proposal Erection of a shed in the back garden	Date 16 October 2015	Decision Grant	Officer SW
Ref No. 3/26/15/015	Application Fair Hills, Chestnut Avenue, Chapel Cleeve, Old Cleeve, Minehead, TA24 6HY	Proposal Erection of two storey rear extension and alterations to existing conservatory.	Date 08 October 2015	Decision Grant	Officer BM
Ref No. 3/28/15/002	Application Former Union Quarry, off Tower Hill, Williton, TA4 4JR	Proposal Outline Planning Permission for the Erection of single storey dwelling with garaging and provision of garden	Date 30 September 2015	Decision Grant	Officer SK
Ref No. 3/28/15/005	Application Plot adjacent to 45 Tower Hill, Williton, Taunton, TA4 4JR	Proposal Erection of a detached dwelling (amended scheme to 3/28/14/007)	Date 16 October 2015	Decision Grant	Officer SK
Ref No. 3/28/15/006	Application Mount Rock, 27 Tower Hill, Williton, TA4 4NR	Proposal Demolition of existing corrugated iron garage and store on east side of dwelling and erection of new garage incorporating a utility and WC and rebuilding the existing lean-to to the rear	Date 15 October 2015	Decision Grant	Officer SW
Ref No. 3/28/15/007	Application Apple Acre, Croft Meadow, Sampford Brett, Taunton, TA4 4LB	Proposal Erection of pitched roof over the rear extension, rebuilt porch, new windows and	Date 15 October 2015	Decision Grant	Officer BM

doors and PV panels on new south roof slope.

Ref No. 3/30/15/003	Application Gamblyn Farm, Skilgate, Taunton, TA4 2DF	Proposal Erection of extension of agricultural building to store fodder and machinery	Date 07 October 2015	Decision Prior approval not required	Officer RW
Ref No. 3/31/15/009	Application Whitemore Lane, Lydeard St Lawrence, Taunton, TA4 3QD	Proposal Formation of agricultural track (retrospective)	Date 24 September 2015	Decision Grant	Officer SK
Ref No. 3/32/15/010	Application Northwall Cottage, 10 St Andrews Road, Stogursey, Bridgwater, TA5 1TE	Proposal Erection of rear single storey extension	Date 24 September 2015	Decision Grant	Officer BM
Ref No. 3/37/15/016	Application Land adjacent to the Post Office, Swain Street, Watchet, TA23 0AD	Proposal Erection of an attached two storey building with a one bedroom dwelling at first floor and an arched access at ground floor.	Date 24 September 2015	Decision Refuse	Officer RW
Ref No. 3/37/15/017	Application Panorama, Saxon Ridge, Watchet, TA23 0BL	Proposal Replacement of side extension to create a bedroom and utility room. Replacement of the garden room extension and roof conversion to create a new master bedroom suite, study and store room.	Date 09 October 2015	Decision Grant	Officer BM
Ref No. 3/38/15/003	Application Coppleridge, Staple Lane, West	Proposal Erection of extension to the	Date 15 September	Decision Grant	Officer BM

Quantoxhead, TA4 4DE principal elevation, 2015
 rear extension and
 the conversion of
 garage and loft into
 habitable
 accommodation

Ref No.	Application	Proposal	Date	Decision Officer
3/38/15/005	East Bank, Staple Lane, West Quantoxhead, Taunton, TA4 4DE	Erection of two single storey rear extensions and a pitched roof over the front porch (amended scheme to 3/38/14/002)	30 September 2015	Grant SW

Ref No.	Application	Proposal	Date	Decision Officer
3/39/15/011	18 Bridge Street, Williton, Taunton, TA4 4NR	Removal of conditions 3 and 4 from planning permission 3/39/11/046 in order to create a single car parking space for Riverside	21 September 2015	Refuse SK

Ref No.	Application	Proposal	Date	Decision Officer
3/39/15/012	Red Park Equestrian Centre, Egrove Way, Williton, Taunton, TA4 4TB	Re-siting of caravan	12 October 2015	Grant BK

Ref No.	Application	Proposal	Date	Decision Officer
ABD/36/15/002	Lands End Barn (Buildings 1) Sperry Barton, Huish Champflower, Taunton, TA4 2BZ	Prior approval of proposed change of use of agricultural building to a dwellinghouse	21 September 2015	Prior approval required and given subject

Ref No.	Application	Proposal	Date	Decision Officer
C/16/15/001	Castle Of Comfort, Dodington, Nether Stowey, Bridgwater, TA5 1LE	Approval of details reserved by condition 3 (regarding joinery details for window and door) in relation to Listed Building Consent 3/16/12/002	07 October 2015	Grant EP

Ref No.	Application	Proposal	Date	Decision Officer
C/32/15/005	Land 7338,	Approval of details	16	Grant SK

Ridgeway Lane, reserved by condition October
 Stolford, Stogursey, 3 (relating to 2015
 TA5 1TN materials and
 finishes) and
 condition 4 (relating
 to boundary
 treatments) in
 relation to planning
 permission
 3/32/15/001.

Ref No.	Application	Proposal	Date	Decision	Officer
C/37/15/005	5A High Bank, Goviers Lane, Watchet, TA23 0DG	Approval of details reserved by condition 6 (relating to proposed boundary treatments) in relation to planning permission 3/37/15/002	16 October 2015	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
CA/26/15/002	Little Meadow, 17 Old Cleeve, Minehead TA24 6HJ	Fell Ash (T1), coppice bay (T3). (Notification amended by email 15/09/15 to remove proposed works to ash T2)	21 September 2015	Raise No Objection	DG

Ref No.	Application	Proposal	Date	Decision	Officer
NMA/21/15/002	Land at Solitaire, Bircham Road, Minehead	Non-material amendments to alter the materials relating to elevations for plots 1, 2, 3 and 4 and alteration to boundary treatment adjacent to plot 5 in relation to planning permission 3/21/12/141	30 September 2015	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
T/07/15/002	3 Kings Acre, Crowcombe, Taunton, TA4 4BX	Fell Sycamores (T3, T4A, T4B and T5), reduce stem and deadwood on sycamore (T6), remove long branch at 8 metres on Sycamore (T7), thin crown by 20% and	22 October 2015	Split Decision	DG

remove stem to south starting at 6 metres on Sycamore (T8), thin crown by 20% on Sycamore (T9), reduce stem to north west to leave as 3 metre stump and remove three branches on Sycamore (T10), remove three branches on Sycamore (T12).

Ref No.	Application	Proposal	Date	Decision	Officer
T/21/15/006	Clanville, Clanville Road, Minehead, TA24 5PD	Removal and replacement of Pinus Radiata-Removal (T6 on T/3/15)	17 September 2015	Grant	DG
T/21/15/007	Beacon Road, Minehead	Removal of two Pinus Sylvestris (T41 and T57) and one Pinus Radiata (T50) and works to fourteen Pinus Radiata (T31, T32, T33, T34, T42, T43, T44, T52, T56, T63, T64, T68, T69 and T70)	21 September 2015	Grant	DG
T/28/15/002	20 Sampford Brett, Taunton, TA4 4LB	Dawn Redwood (T1) - raise crown to 4 metres above ground level	21 September 2015	Grant	DG

Appeal Decision

Site visit made on 8 September 2015

by David Walker MA MRTPI

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

Decision date: 29 September 2015

Appeal Ref: APP/H3320/W/15/3006586

Higher Thorne's Farm, Lower Weacombe, Taunton, Somerset, TA4 4ED

- 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 Mr Kenneth Bosley against the decision of West Somerset Council.
 - The application Ref 3/28/14/010, dated 18 November 2014, was refused by notice dated 22 December 2014.
 - The development proposed is erection of single storey extension to south-west elevation (front) and north east elevation rear.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of single storey extension to south-west elevation (front) and north east elevation rear at Higher Thorne's Farm, Lower Weacombe, Taunton, Somerset, TA4 4ED in accordance with the terms of the application, Ref 3/28/14/010, dated 18 November 2014 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: DWG. No.17017-01, DWG. No.17017-02 and DWG. No.17017-03, all dated November 2014.

Main Issues

2. Whether the proposal would extend the dwelling to a size commensurate with firstly, the functional requirements of the rural enterprise it is intended to serve and secondly, its affordability for rural enterprise workers in the future.

Reasons

3. The original dwelling was granted permission in 2013 under application Ref. 3/28/13/004 subject to a condition (No. 1) limiting occupation to a person solely or mainly working, or last working within an equestrian business and/or within agriculture or forestry within the locality, a widow or widower of such a person, and to any resident dependents.

4. A further condition (No. 4) restricts the enlargement or improvement of the dwelling that could otherwise be carried out under permitted development rights without first obtaining the consent of the local planning authority. The reason given is *"the erection of further extensions to the dwelling will require detailed consideration...to ensure that the size of the dwelling remains commensurate with the established functional requirements of the holding and that the dwelling remains of a size which the unit can sustain and that the character of the building and surrounding area are preserved"*.
5. Of the policies referred to by the Council saved POLICY H/2 of the West Somerset Local Plan 2006 (the Local Plan) is the most relevant to the main issue as it provides the basis for the Council's initial approval and has a requirement that any dwelling allowed under its special provisions be commensurate in size with the established functional requirement of the holding. POLICY H/2 relates exclusively to agricultural and forestry workers accommodation however and the Council has acted flexibly in applying it in allowing the equestrian worker's dwelling.
6. Notwithstanding the original justification for the dwelling, the size restrictions imposed by the POLICY H/2 are no longer supported by national policy; the National Planning Policy Framework (the Framework) having been introduced in 2012. Paragraph 215 of the Framework limits the weight that can therefore be attributed to POLICY H/2.
7. Turning to the Framework, it has as a core planning principle at paragraph 17 the aim to support thriving rural communities, and paragraph 28 explains that planning policies should support sustainable growth and prosperity. The wish of a rural worker to improve their home does not necessarily seem to me to be in conflict with these aims, whether to respond to changing family circumstances or to raise living standards more generally. Whilst paragraph 55 points to rural workers' dwellings meeting 'essential needs', there is no evidence before me to suggest that the proposal would as a result of the small scale enlargement of the dwelling be at odds with the ongoing function of the equestrian business that it has been provided to serve, or give rise to affordability problems in future.
8. On the main issue therefore I find that the proposals are in accordance with the policy provisions of the Framework and conclude that the appeal should accordingly succeed.
9. The appeal being allowed, I have attached the statutory implementation condition, and further conditions identifying the relevant plans and requiring matching materials in the interests of proper planning and achieving a satisfactory form of development.

Other Matters

10. Although not a reason for refusal, the Council has raised concerns about the effect of the proposal on the character and appearance of the area, particularly with regard to its proximity to the Quantock Hills Area of Outstanding Natural Beauty. The Council considers the proposal would not accord with its Local Plan policies relating to achieving good design (BD/1, BD/2 and BD/3) and the protection of landscape character (LC/3). However, the original dwelling is sited amongst a grouping of other rural buildings and is generally low lying in the landscape. The proposed extensions being very modest and limited to

ground floor additions would not significantly alter the massing, form, or appearance of the dwelling to give rise to any unacceptable harm under these policies. With the proposal confined to the existing dwelling I see no need for additional car parking to be made under Local Plan POLICY T/8.

Conclusions

11. For the reasons given above the appeal is allowed subject to conditions.

David Walker

Inspector