



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 14 March 2016

**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 24 March 2016**

**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 24 March 2016 at 4.30pm  
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

### AGENDA

#### 1. Apologies for Absence

#### 2. Minutes

Minutes of the Meeting of the 25 February 2016 - **SEE ATTACHED**

#### 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: Nineteen**

**Date: 16 March 2016**

<u>Ref No.</u>	<u>Application/Report</u>
<b>3/04/15/004</b>	Proposed residential development of 13 properties including associated landscaping, parking and a new vehicular and pedestrian access from Ellersdown Lane at Land to the north of Ellersdown Lane, Brushford, Dulverton
<b>3/04/16/002</b>	Permeable surfacing to pedestrian footpath and car parking area to serve single dwelling (resubmission of 3/04/15/010) at Bramblehurst, Mill Lane, Brushford, Dulverton, TA22 9AY
<b>3/07/16/001</b>	Change of use and conversion of barn to holiday unit at Roebuck Farm, Crowcombe, TA4 4BN
<b>T/37/16/001</b>	Reduce Beech (A) by 20%, fell Beech (B) and fell Field Maple (A) at 51 Brendon Road, Watchet, TA23 0AX

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

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

8. **Appeals Lodged**

Appeal against the refusal of the erection of a detached two-bedroom dwelling the existing footprint of two garages to the west of Higher Park, Minehead (Planning application 3/21/15/081).

9. **Appeals Decided**

Removal of conditions 3 and 4 from planning permission 3/39/11/046 in order to create a single car parking space for Riverside at 18 Bridge Street, Williton, TA4 4NR (planning application 3/39/15/011) – Planning Appeal dismissed.

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 applications 3/37/15/003 and 009) – Planning Appeal dismissed.

Erection of three holiday units (resubmission of 3/39/14/025) at Shells Cottage, Shells Lane, Washford, Watchet, TA23 0PU – Planning Appeal dismissed.

10. **Miscellaneous Report** from Assistant Director Planning and Environment Mr Tim Burrton on the current Government consultation on Technical consultation on implementation of planning changes. (attached).

10. **Reserve date for site visits – Monday 21<sup>st</sup> March**

11. **Next Committee date – Tuesday 19<sup>th</sup> April**

**RISK SCORING MATRIX**

Report writers score risks in reports uses the scoring matrix below

<b>Likelihood (Probability)</b>	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
<b>Impact (Consequences)</b>							

Mitigating actions for high ('High' or above) scoring risks are to be reflected in Service Plans, managed by the Group Manager and implemented by Service Lead Officers;

Lower scoring risks will either be accepted with no mitigating actions or included in work plans with appropriate mitigating actions that are managed by Service Lead Officers.

## PLANNING COMMITTEE

### Minutes of the Meeting held on 25 February 2016 at 4.30 pm

#### **Present:**

Councillor S J Pugsley .....Chairman  
Councillor B Maitland-Walker .....Vice Chairman

Councillor I Aldridge  
Councillor AP Hadley  
Councillor B Heywood  
Councillor I Jones  
Councillor C Morgan

Councillor PH Murphy  
Councillor J Parbrook  
Councillor K Turner  
Councillor R Woods

#### **Officers in Attendance:**

Area Planning Manager – Bryn Kitching  
Planning Officer – Sue Keal  
Planning Officer – Hamish Laird  
Legal Advisor Martin Evans - Mendip DC  
Democratic Services Officer – Tracey Meadows

#### **P71 Apologies for Absence**

There were apologies for absence from Councillors S Dowding, S Goss and T Hall.

#### **P72 Minutes**

**Resolved** that the Minutes of the Planning Committee Meeting held on the 3 December 2015 circulated at the meeting be confirmed as a correct record.

Proposed by Councillor C Morgan and seconded by Councillor K Turner.

**Resolved** that the Minutes of the Planning Committee Meeting held on the 28 January 2016 circulated at the meeting be confirmed as a correct record subject to Minute P75 being amended as follows:-

Application 3/05/15/014 - The Old Coach House, 3 Winsors Lane, Carhampton, Minehead. Wording of the resolution be altered to read as follows:-

“There were no further discussions and on being put to the vote the original motion recommending that planning permission be granted to subject to conditions was declared CARRIED”

Proposed by Councillor K Turner and seconded by Councillor P Murphy.

**The motion was carried.**

#### **P73 Declarations of Interest or Lobbying**

All Councillors declared that they had received correspondence from the applicant on application No. 3/24/15/003. Councillor Aldridge declared that he had been canvassed by the agent for application No. 3/28/15/008. Councillor Woods declared personal knowledge but no interest on application No.3/21/15/078. Councillor Pugsley declared that he had received a letter in connection with application No. 3/21/15/078, stated that he felt he had received the letter as Chairman of the Planning Committee for consideration rather than an individual.

**P74 Public Participation**

Min No.	Reference No.	Application	Name	Position	Stance
P74	3/24/15/003	Extension and change of use of existing barn to form a two bed holiday let plus two-bay timber garage at Yarde Hill Building, Yarde, Near Williton	Mrs Green Mr Cotterill	Applicant	Objecting  In favour
P74	3/21/15/076	Display of illuminated signage on 6m pylon and fascia sign to front and side elevations			
P74	3/21/15/078	Outline planning application for four dwellings with access from Bircham Road and The Shires	Mr Clavey Mr Mitchell	Agent	Asking for points of clarification  In favour

**P75 Town and Country Planning Act 1990 and Other Matters**

Report Seventeen of the Planning Team dated 25 February 2016 (circulated with the Agenda). The Committee considered the reports, prepared by the Planning Team, relating to plans deposited in accordance with the planning legislation and, where appropriate, Members were advised of correspondence received and subsequent amendments since the agenda had been prepared.

(Copies of all letters reported may be inspected in the planning application files that constitute part of the background papers for each item).

**RESOLVED** That the Recommendations contained in Section 1 of the Report be Approved (in so far as they relate to the above), including, where appropriate, the conditions imposed and the reasons for refusal, subject to any amendments detailed below:

**Reference**      **Location, Proposal, Debate and Decision**

**3/24/15/003 Extension and change of use of existing barn to form a two bed holiday let plus two-bay timber garage.**

**Comments raised by the speakers included:**

- Obscured and dangerous entrance and exit;
- Concerns with surface water run off;
- The proposed development was out of keeping with the tiny Hamlet;
- There was no requirement for a holiday let in Yarde;
- Loss of wildlife and habitat should the shrub area not be kept intact;
- Concerns with privacy and overlooking and the loss of peace and tranquillity;
- Yarde was in a tiny Hamlet set in beautiful countryside and currently unspoilt, we would like it to remain that way;
- The land owner wanted to diversify for a supplementary income, this was an ideal spot for a holiday let;
- The neighbours' concerns were unfounded;
- The Parish Council were happy to support this application but there were concerned with the entrance;

**The member's debate centred on the following issues:**

- Due to the increase in size this it is virtually a new build;
- Concerns with the narrow access in and out of the entrance;
- Building a holiday let on this site was a good idea as if left the building would just fall down;

Councillor C Morgan proposed and Councillor K Turner seconded a motion that the application be **REFUSED**

**The motion was carried.**

**Reference Location, Proposal, Debate and Decision**

**3/21/15/076 Display of illuminated signage on 6 m pylon and fascia sign to front and side elevations**

**The member's debate centred on the following issues:**

- Lidl had planning permission to build here so we need to give permission for the sign to be erected;
- Concerns were raised from Minehead Town Council that the sign would stand out and look incongruous against the hills behind it;

Councillor C Morgan proposed and Councillor K Turner seconded a motion that the application be **APPROVED**

**The motion was carried.**

**Reference Location, Proposal, Debate and Decision**

**3/21/15/078 Outline planning application for four dwellings with access from Bircham Road and The Shires**

### **Comments raised by the speakers included:**

- Concerns with the grass strip drive, and whether there be a division of the private drive and the grass strip;
- Concerns with the access out of the green strip onto the corner of the drive coming down through the Shires, as this came onto a blind corner;

### **The member's debate centred on the following issues:**

- This was only an outline application, all other matters would be discussed at a future meeting;
- Access onto Bircham Road at present did not look great;
- No problem with the housing density, we were making good use of a plot of land that was not in the open countryside;
- Concerns with drive access into the Shires;
- Concerns with parking and turning circles, we need to ensure that these were adequate;
- Drainage issues;
- The plans do not show the main culver which the main drain is coming down from the top of Holcombe Hill. If they are going to do the visibility splay they need to be aware of this;

Councillor K Turner proposed and Councillor B Heywood seconded a motion that the application be **APPROVED**

### **The motion was carried**

## **P76 Exmoor National Park Matters**

Councillor B Heywood reported on matters relating to West Somerset considered at the meeting in February of the Exmoor National Park Planning Committee. This included:

Proposed variation of condition 4 (the campsite hereby approved shall comprise tents only. Specifically no motor homes or caravans as defined under the Caravan Sites and Control of Development Act 1960 (s.29(1)) as modified by the Caravan Sites Act 1968 (s.13(1) and (2)) shall occupy the campsite hereby approved at any time) of approved application 62/41/14/020 to allow the exception of motorised vehicles where they contain accommodation that is used as site patrons' sole means of motorised transport and do not exceed a maximum wheelbase length of up to 3.5m (measured wheel hub centre to wheel hub centre) (Alteration/Lift Condition) – Caffyns Farm, Croscombe Lane, Lynton, Devon.

Re-grading of ground levels to north west of dwelling, installation of external lights, formation of store room in roof over garage, lantern roof light to utility room together with the erection of a shed (Retrospective) (Householder) – Rodings, Brockwell Lane, Wootton Courtenay, Somerset.

Replacement windows and doors (Part Retrospective) (Householder) – Bracken Lea, Barbrook, Lynton, Devon.

Proposed variation of Condition 16 (the garage building hereby approved shall be used as a garage/pump room and for the storage of items incidental to the use of the dwelling house "Hill Cottage" only. It shall specifically not be used as additional

living accommodation to the dwelling) of approved application 6/20/10/102 to allow for the conversion of part of the garage/storage building to provide annexe accommodation for use in conjunction with main dwelling (Part Retrospective) (Alteration/Lift Condition) – Hill Cottage, Luxborough, Nr Dunster, Somerset.

Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for proposed alterations to surface water drainage and installation of oil interceptor (Full) – Exford Depot, Exford, Somerset.

**P77 Delegated Decision List**

Questions were raised and answered by the Officer.

**P78 Appeals Lodged**

Appeal against the refusal of outline planning permission for the construction of a dormer bungalow at 1 Marshwood Cottages, Carhampton Road, Carhampton, Minehead, TA24 6JY (3/05/15/010)

**P79 Appeals Decided**

Erection of a Solar PV Development and associated works. The proposed development will include the installation of ground based racking systems and mounted solar panels (max 3m high), power inverter stations, transformer stations, substation and comms building, fencing and associated access gates, and CCTV security cameras mounted on free standing support poles (resubmission of 3/28/13/005) on land at Aller Farm, East of Woodford and North of Monksilver, Williton TA4 4HH – Planning appeal dismissed.

**P80 Reserve date for site visit – Monday 21 March**

**P81 Date of next meeting – Thursday 24 March**

The meeting closed at 6.40pm

<b>Application No:</b>	<a href="#">3/04/15/004</a>
<b>Parish</b>	Brushford
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Bryn Kitching
<b>Grid Ref</b>	Easting: 292358    Northing: 125784
<b>Applicant</b>	Mr & Mrs B & K Summers
<b>Proposal</b>	Proposed residential development of 13 properties including associated landscaping, parking and a new vehicular and pedestrian access from Ellersdown Lane.
<b>Location</b>	Land to the north of Ellersdown Lane, Brushford, Dulverton
<b>Reason for referral to Committee</b>	<b>The recommendation is contrary to the views of the Parish Council</b>

## Recommendation

Recommended decision: grant planning permission subject to the applicant entering into a legal agreement to secure:

- The provision of 35% of the total number of dwellings on site as affordable housing
- The provision of a commuted sum towards community infrastructure of £5,000 per dwelling
- The provision of a contribution towards the administration and monitoring of planning obligations of £100 per dwelling.

### Recommended Condition(s) (if applicable)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers:

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

- 3 No works shall be undertaken on site unless a sample panel of all external walling materials has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is

completed. The works shall thereafter be carried out only in accordance with the details so approved.

Reason: To safeguard the character and appearance of the area

- 4 The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of WYG's Ecological Assessment Report submitted report, dated March 2015 and up to date badger Survey and include:
  1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
  3. Measures for the enhancement of places of rest for bats and nesting birds
  4. Arrangements to secure the presence of a licenced dormouse worker to be present on site to monitor the translocation of the hedge

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for birds and bats shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

- 5 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).

- 6 No dwelling shall be occupied unless details for the proposed boundary treatments on the application site have been first submitted to and approved in writing by the local planning authority. Such details shall include the location of

all boundary treatments shown in a scaled plan and details of the height, type, materials, finish and colour of the proposed boundary treatments. The works shall be carried out in accordance with the approved details, prior to the occupation of the dwellings hereby approved.

Reason: To safeguard the amenities of the occupiers of the proposed and nearby properties and to comply.

- 7 There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m 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 - In the interests of highway safety.

- 8 Prior to the implementation of the surface water drainage scheme, details of the proposed long term maintenance of the soakaways and drainage ditches shall be submitted to and approved in writing by the local planning authority. The drainage shall thereafter be maintained in accordance with the approved scheme.

Reason – To ensure that the drainage scheme is fit for purpose over the lifetime of the development.

- 9 No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Wheel washing of vehicles leaving the site
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- A condition survey of the existing public highway

Reason - In the interests of highway safety.

- 10 The proposed estate road, footways, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason - In the interests of highway safety.

- 11 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing footway in Pounds Close.

Reason - In the interests of highway safety.

- 12 The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason - In the interests of highway safety.

### **Informative notes to applicant**

The condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how the wildlife, in particular dormice will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by this development proposal.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

Dormice are known to use the site as identified in WYG's Ecological Assessment report dated March 2015. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

NE requires that the Local Planning Authority must be satisfied that a derogation from the Habitats Directive is justified prior to issuing such a licence.

The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC). Given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.

## **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. During the consideration of the application [certain elements of the proposal were deemed to be unacceptable and issues/concerns were raised by a statutory consultee. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue/concern and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

## Proposal

This is a full planning application for the erection of 13 dwellings, with vehicle access off Ellersdown Lane, Brushford. The site is on the northern side of Brushford and currently comprises an agricultural field that slopes down to Ellersdown Lane.

The application has been submitted for 13 residential units comprising a mix of detached, semi-detached and terraced two storey dwellings, including:

- 1 x one-bedroom flat,
- 1 x two-bedroom houses,
- 4 x three-bedroom houses,
- 7 x four-bedroom houses.

The dwellings will be a mix of natural stone and render under slate or pan tile roofs. The originally submitted application including 2 properties to have a thatch roof, however the application has been amended to withdraw this element.

Vehicle access would be of the northern side of Ellersdown Lane and the internal road layout includes a 5.4 metre wide road and off street parking for 31 cars in a mix of garages, driveways and parking bays.

The application proposes the removal of the existing bank and hedge the fronts onto Ellersdown Lane to allow the highway to be widened from 2.1 to 5 metres and for the construction of a 1.8 metre footway - between Pounds Close and the site entrance.

The application also includes proposals to carry out works to the Pounds Close and Ellersdown Lane junction which include the widening of the top end of Pounds Close to 5 metres, and the extension of the existing Pounds Close footway to Ellersdown Lane - including a crossing point to the new footway on Ellersdown Lane. These works require the removal of an existing garage and boundary wall at 1 Pounds Close, which is in the control of the applicant.

The application also proposes an affordable housing contribution equivalent to an on-site provision of 4.5 Houses (35%) and a £5,000 (per dwelling) contribution towards community infrastructure in the local area.

## Site Description

The site comprises an agricultural field on the northern side of Ellersdown Lane, Brushford. It is 110 metres wide with residential development to the south and west, and open field to the north and east. The land slopes down from north to south and a 3 metre high bank and hedge separates the field from Ellersdown Lane. There is an existing field access in the south east corner of the field and an agricultural track runs along the edge of the field in a northerly direction. Exmoor National Park boundary is approximately 25 metres to the east on the opposite side of the B3222.

The residential development to the west comprises two detached dwellings that

have an outlook over the site and to the south of the site are 4 pairs of semi-detached dwellings which are at a slightly lower level than Ellersdown Lane.

## Relevant Planning History

3/04/88/020 - in 1988 an outline application for two dwellings was refused due to the site being outside the limit of Village Development of Brushford.

## Consultation Responses

*Brushford Parish Council – object*

### 1. Relevance to the West Somerset Saved Local Plan 2006

The proposed development is contrary to Policy SP/1 (Settlement Hierarchy), SP/3 (Settlements) and SP/5 (Development Outside Defined Settlements) of the West Somerset Saved Local Plan 2006 as follows:

#### 1.1 Policy SC/1

In this policy, Brushford is recognised as a “Village” and “In all cases development will be considered in accordance with their size and function, individual characteristics and constraints.”

#### 1.2 Policy SC/3 Settlements

The proposed development would be outside the defined Settlement area as detailed in the following map taken from the Plan:10.3.5

Furthermore, Clause 10.3.5 of the Settlement Insets section of the plan states the following: *“There is evidence of new building along the northern side of Ellersdown Lane, originally built to provide access to dwellings on its southern side. Due to the width and alignment of this road any further development will be resisted.”*

1.3 Policy SC/5 : Development Outside Defined Settlements - This policy states : *“In the countryside areas outside of settlement development limits, development will only be permitted where it both benefits economic or social activity without leading to a significant increase in car travel and maintains or enhances environmental quality and accords with other policies of the West Somerset District Local Plan.”*

### 2. Relevance to the West Somerset Local Plan to 2032

The proposed development is contrary to Policy SC1 and Policy SC2 of the West Somerset Local Plan as follows:

#### 2.1 Policy SC1

The village of Brushford is designated as a Secondary Village in the WSC Local Plan. Clause 3 of Policy SC1 States :

*At the Secondary Villages: Holford, Dunster Marsh, Brompton Ralph, Battleton and Brushford, small scale development will be permitted where it can be demonstrated that it will contribute to wider sustainability benefits for the area.*

“Small Scale Development” is defined as being *up to five dwellings* as follows: *In clause 3 of the policy above, in terms of housing, “small scale development” means individual schemes of up to five dwellings providing a maximum of a 10% increase in a settlement’s total dwelling number during the Local Plan period, limited to a maximum of 30% of this increase in any five year period...*

The proposed development is almost *three times* greater than the limits set above and is therefore unacceptable.

As detailed above, Policy SC1 states *“a maximum of a 10% increase in a settlement’s total dwelling number during the Local Plan period, limited to a maximum of 30% of this increase in any five year period...”* With a current housing stock of 267 dwellings, Brushford would therefore have an increase of 27 dwellings over the period of the plan, and of these only 8 new dwellings would be permitted in any five year period under this Policy.

The submitted plans fail to demonstrate *“that it will contribute to wider sustainability benefits for the area”* as defined in Clause 3 of Policy SC1.

## 2.2 Policy SC2

Policy SC2 of the Local Plan calls for the provision of a *total* of an annualised 30 dwellings per year across *all the five* designated Secondary Villages. The proposed development in Brushford would account for almost 50% of the total planned growth across the five Secondary Villages, which is inequitable.

## 3. Impacts on the Village Infrastructure

### 3.1 Ellersdown Lane

Ellersdown Lane was constructed on an old (medieval) cart track and as such has no foundations. As a result, the road surface is continually breaking up and is the subject of recurrent complaints and repairs. In brief, it is not fit for purpose. The current planning proposals detail a widening of only a small portion of Ellersdown Lane to accommodate the entrance to the development. The Council considers this to be an inadequate development and that the following should be considered :

The road should be completely rebuilt, with proper foundations and drainage. Alternatively, the access road to the development could use the existing lane to the TV Mast, directly opposite the entrance/exit of Pounds Close. This would avoid the “dogleg” currently proposed and at the same time, remove most of the concerns expressed about possible accidents on the Ellersdown Lane as a result of increased traffic and the need for the “dog-leg”. Furthermore, such an approach would negate the planned need to move the existing hedgerow, with its concomitant impact on a long-established hedgerow and existing wildlife.

### 3.2 Traffic Increase -

#### a. On Ellersdown Lane

The introduction of 13 new dwellings would increase the number of homes on this limited stretch of Ellersdown Lane from 8 to 21 - yielding a 260% increase in the levels of traffic, assuming similar car ownership per household. This would significantly increase the prospect of reduced pedestrian safety, especially given that new footpaths are only being considered for the short length of the widened road from Nicholas Close to the new entrance of the development.

The road is subject to high levels of residents walking and is therefore unacceptable without pavement provision throughout the length of the Lane from Nicholas Close to the junction with the Claw drive. - which would not be possible without the widening of the lane throughout its westerly length.

#### b. On Nicholas and Pounds Close

The school bus stop is situated at the southern end of this road, where it meets Brushford New Road, where parents and children congregate to catch the bus in the morning and for parents to collect children in the afternoon. The anticipated additional traffic from the 13 new dwellings would significantly heighten the possibility of traffic accidents involving pedestrians.

### 3.3 Flooding

In recent years, there has been a number of flooding emergencies along Ellersdown Lane as follows:

#### a. At the junction of Ellersdown Lane and Nicholas Close

There have been numerous incidents of flooding from the track leading to the TV mast onto both Ellersdown Lane and into Nicholas/Pounds Close, as the drainage does not have the capacity to cope with the significant increase in water flow. This situation has been exacerbated by the rolling of the farmland surrounding the track, resulting in a diminution of natural drainage into the farmland.

#### b. At the east end of Ellersdown Lane

Following earthworks and associated work on hedgerows at the property to the north of Ellersdown Lane at this end of the Lane, together with the increased flow off the farmland as a result of rolling, there was considerable flooding into neighbouring properties on the south side of the lane. As a result, considerable work was carried out on the drains at this end of the Lane by County Highways which has improved the situation, although it is not yet proven to have totally resolved the problem. Given these two areas of concern, the Council does not believe that the development plans adequately address the potential flooding problem which would result from considerable earthworks and alteration to the land profile on the site. A major review of the planned drainage facilities - at the bare minimum - would be required in order to alleviate these concerns.

### 3. Development Size and Layout

In addition to the criteria laid out in the Local Plan above, the Council considers the

size of the development would have an unacceptable and material impact on the nature, amenities and layout of Brushford village for the following additional reasons: The planned proposed “double banking” of properties, where two rows of dwellings are proposed is not in keeping with the existing two “single line” properties to the west of the development on the northern side of Ellersdown Lane and the single property further on the northern side at the east end of the lane. The “double banking” of dwellings would have a negative visual impact as the northern building line would be too high on the hill.

In short, a single row of five dwellings with access via the TV mast track would be far more in keeping with the existing layout of the village at this location, should the Settlements Policy SP/3 of the Saved Local Plan 2006 be over-riden by the Planning Authority. Such an approach would:

- i. Negate the need to widen Ellersdown Lane
- ii. Remove the need to move the existing hedgerow
- iii. Significantly reduce the planned increase in traffic
- iv. Maintain existing road safety measures on Ellersdown Lane
- v. Retain an existing building line
- vi. Avoid the visual impact of “double-banked” properties up the hill
- vii. Remove the potential impact on the nature, amenities and layout of the village

However, such proposals would of course require a separate Planning Application and due consideration by the Parish Council in the usual manner.

#### *Further comments dated 20 November 2015*

On May 28th this year, the Parish Council responded to the subject Planning Application, detailing the Council’s objections to the application.

Since that time, further changes to the application have been made by the applicant as detailed on the relevant section of West Somerset’s Planning site, which have now been considered by the Parish Council and I have been instructed to write to you to outline the Parish Council’s position in the light of these changes as follows:

#### 1. Re-affirmation of the Parish Council’s Response

The posted changes to the application make no material difference to the Parish Council’s objection and these are reaffirmed. A copy of the original paper is attached.

#### 2. Land Drainage

The following comment from Geo Consulting Engineering Ltd (consultants to the applicant) has been noted:

*“It should be noted that no provision has been made for long term monitoring of rest*

*groundwater levels at the site; high groundwater levels in wet weather periods may impact on infiltration potential”*

In the Parish Council’s initial response, the following was stated in summary:

*“the Council does not believe that the development plans adequately address the potential flooding problem which would result from considerable earthworks and alteration to the land profile on the site. A major review of the planned drainage facilities - at the bare minimum - would be required in order to alleviate these concerns.”*

The Parish Council is of the belief that the amended drainage system is inadequate for the task and appear to have grossly inadequate safety margins in-built, giving rise to further unease and fear within the community, as the following photographs of previous flooding from the fields in question amply demonstrate:

### 3. Sewage Disposal

The Parish Council has noted the following comment from South West Water:

*“I refer to the above application and would advise that our previous comments attached still apply in that the foul drainage strategy as submitted is unacceptable in terms of the proposed connection point to the public sewer.”*

Additionally, the Council would go further to report that there is circumstantial evidence of the inadequacies of the current sewage disposal unit in Brushford at present, in that sewage is often reported to be backing up in drains and that unpleasant odours often emanate from the unit throughout Brushford and that sewage has been witnessed flowing into the River Barle. This is a situation that can only be compounded by the proposed development and is not acceptable.

### *Highways Development Control –*

The proposal relates to a proposed development of 13 new dwellings and associated access, parking, landscaping.

In terms of traffic impact TRICS datasets tell us that the average dwelling generates between 6-8 movements per day. As such the site has the potential to generate a maximum of 104 movements per day onto Ellersdown Lane which can be characterised as being single width and unsuitable for heavy vehicles. This would normally be a cause of concern for the Highway Authority however the TRICS rates show that the average trip rate in the AM peak is 0.4 and the PM peak it is 0.3. As a consequence the traffic impact is not considered to be severe in terms of chapter 4 of the National Planning Policy Framework (NPPF).

Turning to the internal site layout the applicant should be made aware that allowances should be made to resurface the full width of the carriageway where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300m. Cores may need to be taken within the existing

carriageway to determine the depths of the bituminous layers. At the point of access the application site is located within an existing 30mph speed limit and as such, adoptable visibility splays based on dimensions of 2.4m x 43m in both directions will be required across the site entrance. Please note there shall be no obstruction to visibility within the splays that exceeds a height greater than 300mm above adjoining carriageway level and the full extent of the splays will be adopted by Somerset County Council. Furthermore the access should incorporate radii of 6.0m.

The applicant should be made aware that it is likely that the internal layout of the site will result in the laying out of a private street and as such under Section 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code. Please note the gradient of the proposed access should not, at any point, be steeper than 1:20 for a distance of 10m from its junction with Ellersdown Lane.

Block paved shared surface carriageways should be designed with a longitudinal gradient no slacker than 1:80.

Grass margins should not be laid up to vertical faces. The last 200mm should be hardened surface – mowing strip. Grassed margins must not taper off into nothing. The last 500mm should be bitmac. In addition can the applicant please confirm who will be responsible for the future maintenance of grass verges that will fall within the prospective public highway boundary? Please note that the Somerset County Council as the Highway Authority does not have the resources to maintain these areas.

The proposed type 4 bituminous macadam internal access road should be constructed no steeper than 1:14. The proposed shared surface block paved carriageway should be constructed no slacker than 1:80.

The proposed shared surface block paved carriageway to the east of the internal access road should be constructed to a minimum width of 5.0m with service margins (min width 500mm) provided along both sides. If the shared surface road is to remain within private ownership, then to satisfy Advance Payments Code legislation, the road shall be constructed to an adoptable standard in terms of materials used and depth laid an SCC will require full contact details of proposed owner of the road.

The block paved parking courtyard located behind plots 1-4 shall remain within private ownership.

All proposed private drives shall be constructed to a minimum length of 6.0m as measured from the back edge of the prospective publicly maintained highway. Private parking bays should be constructed to a minimum length of 5.0m unless the bays are surrounded by any form of structure (walls, footpaths, planting etc) when a minimum length of 5.5m will be required.

An adoptable 2.0m wide margin will be required at the northern end of the proposed internal access road.

Finally please note that no doors, gates or low-level windows, utility boxes, down pipes or porches are to obstruct footways/shared surface carriageways. The Highway limits shall be limited to that area of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater, pipes, vent pipes, meter boxes (including wall mounted) and steps.

The submitted 'Design & Access Statement' indicates that proposed highway surface water drainage will be by means of soakaways, permeable paving or alternatively an attenuation system. Permeable paving will not be permitted within the prospective publicly maintained highway and should be constructed to fall from the prospective public highway areas such that if they fail to perform in the future then this will not result discharge of surface water onto the highway. Soakaways, as a means of disposal of highway surface water, will normally not be accepted unless there are very special circumstances and will only be considered as a final resort after all engineering means to provide a positive drainage system have been explored and found to be unrealistic. The applicant must be aware that soakaways must not be constructed within 3m of any existing or prospective public footway/footpath and 5m from any structure and they should not be located in a position where the ground below foundations is likely to be adversely affected. In-situ percolation tests will need to be undertaken in accordance with the BRE Digest 365.

Attenuation systems should be located outside of the prospective public highway boundary.

Surface water from all private areas including drives and parking bays will not be permitted to discharge onto the prospective publicly maintained highway. Private interceptor drainage systems shall be provided to prevent this from happening.

Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required with a copy forwarded to Somerset County Council. Surface water from all private areas, including drives/parking bays, will be permitted to discharge on to the prospective public highway. Private interceptor drainage systems must be provided to prevent this from happening. Where works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. These are obtainable from the Streetworks Co-ordinator on 0845 3459155. Finally the applicant should make sure that the Environment Agency, Inland Drainage Board and Riparian land owners should be consulted as to whether or not ditches or watercourses within the development site are to be piped or require culverts. Such works require the approval of the Local Authority under Section 263 of the Public Health Act 1936.

To conclude the proposal would result in an increase in traffic, however it is not considered to be significant enough warrant an objection on traffic impact grounds. Turning to the internal layout this is considered to be generally acceptable although there are a couple of points that are set out above that would need to be addressed. Parking for the site is sufficient but there is concern that limited parking facilities in this location may lead to inappropriate parking in and around the site

which could become a highway safety issue. In addition, no cycle parking has been detailed.

Therefore based on the above the Highway Authority raises no objection to this proposal and if planning permission were to be granted the Highway Authority would require the following conditions to be attached.

*Further comments dated 19 May 2015*

I refer to the above mentioned planning application received on 28<sup>th</sup> April 2015. The application was replied to on the 11<sup>th</sup> May 2015. Following this correspondence from the local residents and the area highways team it appears that there are some inherent issues with the site access proposals and proposed highways improvements within the vicinity of the site.

The application made very good proposals to improve access to the site with designs to increase the width of Ellersdown lane across the frontage of the site, in conjunction with proposals to increase the width and facilities at the junction with Pounds Close.

The application proposes to link the new footway facility from the frontage of the site with a new proposed footway facility to the west side on the northern section of Pounds Close. This would be supplemented with additional widening to the highway in this location.

Further investigation has found that the property to the right of the junction (east side or the northern section of Pounds Close - 1 Ellersdown Lane???) has a garage and perimeter wall that currently sits within area shown on the proposed widened highway area (Design & Access Statement 5.4 Access & Movement – Site Access Arrangements plan).

The existence of this garage and perimeter wall will restrict any required access proposals for this development and will inherently affect the overall deliverability of the application. Without these essential highway works to this Pounds Close junction, and without substantial improvement work to widen the eastern section of Ellersdown Lane (Pounds Close to B3222) to allow for full two way traffic movements this application does not provide any suitable means of access to the site for construction or occupation.

These proposals would have been essential as the current highway facilities, surrounding and leading to the site, are not suitable for this level of traffic generation. On this basis and on the information available to date this application will have to be refused.

*Further comments dated 24 August 2015*

I refer to the above mentioned planning application received on 28<sup>th</sup> April 2015.

The application has been through extensive correspondence with the developer, the Local Planning Authority, and local residents due to the inherent issues with the site access proposals and proposed highways improvements within the vicinity of the site.

The application has now made clear proposals to improve access to the site via the use of Pounds Close with designs to increase the width of Ellersdown Lane across the frontage of the site, in conjunction with proposals to increase the width and facilities at the junction with Pounds Close.

The application proposes to link the new footway facility from the frontage of the site with a new proposed footway facility to the west side on the northern section of Pounds Close. This would be supplemented with additional widening to the highway in this location

Somerset County Council were initially looking at potential improvements in terms of widening to the eastern section of Ellersdown Lane (Pounds Close to B3222) to allow for better two way traffic movements to and from the application site. Whilst the applicant does own a large section of this arm of Ellersdown Lane they do not own all the land adjacent to the highway up to the B3222 junction.

Further works and correspondence could be held with the applicant as passing places could possibly be provided along this eastern section of Ellersdown Lane. This would however involve works to retain the banks and hedgerows, on which the LPA may have a view.

Further information from the developer highlighted that 1 Pounds Close (the property to the right of the junction of Pounds Close and Ellersdown Lane) is actually owned by the developer. The applicant has proposed (as Phase 1 of the development) that the northern section of Pounds Lane be widened to provide a 5m wide carriageway and new 1.8m footway. This in conjunction with widening of the western section of Ellersdown Lane and a new boundary footway will greatly improve site access.

These widening works to the northern section of Pounds Close will see the removal of the obstructing garage and perimeter wall that currently sits within area shown on the proposed widened highway area (Design & Access Statement 5.4 Access & Movement – Site Access Arrangements plan).

The applicant has now provided extensive tracking plans showing vehicle access from Pounds Close, along Ellersdown Lane, as well as into and within the proposed development site. This includes tracking for refuse vehicles and construction traffic.

The application does propose that any construction traffic will also access site via Pounds Close. The vehicle tracking swept path analysis illustrates construction traffic continuing up from Pounds Close into the site via the existing field access to the North. As an existing agricultural access and road this would be sufficient and of suitable size to accommodate this traffic but further evidence will be required to show third party approval, as the road and access are within private ownership and not public highway. The red line plan submitted with the application suggests that

this area is under the control of the applicant.

I have no other objections to the proposed works which would not be considered to pose any highway safety concerns as either overly distracting or obstructive to pedestrian or vehicle movements.

*Wessex Water Authority* - Comment as follows:

New water supply and waste water connections will be required from Wessex water to serve this proposed development.

*South West Water* – Comment as follows:

I refer to the above application and would advise that South West Water would have no objection subject to foul flows only being connected to the public sewer provided this is to the 150mm diameter sewer in Brushford New Road – the drainage plan as submitted shows the connection to a 100mm sewer which is unacceptable.

Surface water must be dealt with independently by SUDs as it will not be permitted any connection to the public sewer.

*Further comments dated 10 November 2015* –

Our previous comments still apply in that the foul drainage strategy as submitted is unacceptable in terms of the proposed connection point to the public sewer.

*Somerset Drainage Board Consortium* – no comments received

*Biodiversity and Landscaping Officer* – comments as follows

#### Landscape

The site is located within West Somerset's Landscape Character assessment – Southern flanks of Exmoor Area. Hedges are one of the key landscape features within this Character Area.

The proposed development is outside of the village development limit of Brushford which is currently defined to the north by the narrow Ellersdown lane.

Will the development support the village's social and economic viability?

Thirteen new houses is quite a large addition of houses for a village the size of Brushford.

The plans suggest that this development of 13 houses is only the first phase.

This first phase is located on the lower slopes of the field and so its visual impact is limited. However if permission is granted for further development to the north higher up the slope in the future this will have a greater visual impact.

The development currently contains no open space as recommended in the Ecology Assessment. Private gardens are proposed backing on to the existing hedgerow. This is not good practice and can lead to future haphazard management of the hedge. I would prefer to see existing hedges on site buffered to protect their ecological value.

The proposed northern boundary of the development could be more robust.

I agree with the LVIA that middle and long distance views will be filtered.

My main concern is the visual impact on nearby residential properties particularly if the existing roadside bank and native hedge is removed for highway visibility reasons. It is not clear from the plan, the length of hedge to be removed. The Ecology report states that this hedge is not important under the Hedgerow Regulations as it does not contain sufficient woody species. I consider, however that it may be defined as important under the Regulations due to the fact that it borders a road used as a public footpath. The Ecological assessment states that the intention is to translocate the hedge, but the landscape plan shows the planting of a new native hedge. Which is correct?

In practice translocation of hedges on hedge banks is difficult to do and the long term survival of the hedge cannot always be guaranteed.

## Ecology \_

WYG submitted an ecological assessment report dated March 2015 in support of this application. Findings are:

**Designated sites** - Exmoor ESA is located within 5 km of the site, as are several Local Wildlife Sites. The development will not impact on these sites.

**Habitat** - The site consists of a field of semi improved grassland with little ecological value. The site is bordered by three hedges which the surveyor considered are classed as unimportant under the hedgerow regulations 1997.

I consider that the roadside hedge on the Devon bank (H1) may be classed as important.

**Bats** - Survey found that most bats using the site were common species, although lesser horseshoe bats were recorded. Ellersdown Lane is currently unlit so any new lighting should be minimised. If used it should be directed away from the hedgerows on site.

There were no bat roosting features on site.

Birds - The hedgerows on site have potential to support a range of common nesting bird species.

Badgers - The surveyor found evidence of badgers foraging on site and also noted a latrine.

I agree that, should permission be granted, a further badger survey will be required.

Dormice - The hedges connect to a wider network of hedgerows and woodlands and so were considered as having potential for dormice. A survey was carried out from July – November. Ideally this survey should have commenced in May in order to score 20 points considered to be sufficient for survey by Natural England. (This survey scored 18 points).

However a dormouse nest was found in November 2014 which confirms use of the site by dormice. As Dormice are present, removal of the hedge will result in a criminal offense so the applicant will need to apply to Natural England for an EPS licence.

I am uncertain on the length of hedge to be removed so am not certain which method statement will need to be agreed with Natural England.

Reptiles - The site currently has little value for reptiles. This situation could change if current management of the site stops.

*South West Heritage Trust* – no objections

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

*Housing Enabling Officer* – comments as follows:

The proposals are to provide 13 open market dwellings. Under West Somerset Council's current Policies, this leads to a requirement of 4.5 affordable dwelling (35%).

As a general rule, I would usually recommend that affordable housing contributions are delivered on site. However, in this particular case, I am requesting an off-site contribution equivalent to 4.5 dwellings, to be spent in Brushford or Dulverton. My recommendation is based on the following:-

I was approached in late 2014 to give advice on the Housing Need in Brushford. At the time, whilst there was an assessed housing need, for a variety of reasons, this need could not be met on the proposed site. For obvious reasons, I cannot go into individual details, however, there are a number of reasons this assessment might

be made for example, requiring specialised or supported housing or being in housing need currently in the settlement but needing to be re-housed elsewhere to receive or provide support or to be closer to work.

The proposals were taken to the Parish Council in January 2015 and a Public Consultation event was held on 12<sup>th</sup> February. I have been made aware on a number of occasions that my assessment has been rejected by some people as there is a perceived housing need within the settlement. My advice over the last three months has been to actively encourage any household in housing need to apply to the Somerset Homefinder Choice Based Lettings System in order that I can use the information to justify my findings. This has not resulted in any significant number of applications being received.

As of today, there remain four households registered on the Homefinder system who currently live in Brushford and are assessed as being in housing need. Only one of these households have suggested that Brushford would be their Parish of First Choice for re-housing, the other three have indicated that they wish to move elsewhere.

I am aware that the Homefinder Choice Based Lettings System has introduced Policies which mean that applicants now have to provide various proof of ID before their application can be validated and fully registered, however, I have checked our records and there are no households living in Brushford waiting for this process to complete.

I am also aware that the Homefinder system is not a definitive measure of housing need, however, it is a good indication.

Given the above, I am satisfied that an off-site contribution, to deliver affordable housing on an alternative site which will be available to meet the housing needs of Brushford residents is the appropriate option in this case.

*Planning at Exmoor National Park – comments as follows:*

Thank you for consulting the National Park Authority on this application. I have visited the site and this response concerns only the National Park impacts.

The site is set back from the boundary of the National Park so that in more immediate views from within the National Park there will only be limited impacts. In wider National Park views the housing site will be seen in the context of the existing housing.

Brushford and Dulverton function together in many respects with close connections between the two communities. Providing local needs affordable housing is an important planning requirement for the area and it is vital that the site delivers the required level of affordable housing. It would normally be expected that the affordable housing be built on the site and if this was to be the case it is recommended that the local connection includes both Brushford and Dulverton. The West Somerset Affordable Housing Officer will be able to advise whether the level

of need in Brushford is such that the units should be provided on this site or whether it would be preferable that they be provided in an adjoining community. If they are to be provided elsewhere then it will be important that the full affordable housing requirement is transferable to another site.

Providing the affordable housing element of the scheme is safeguarded for the local community, including the wider community of Dulverton, then the National Park Authority does not raise any objection in this case.

### *Planning Policy –*

With reference to the above-mentioned proposal, the view of the proposal in planning policy terms is as follows;

The adopted West Somerset District Local Plan pre-dates (adopted 2006) the publication of the National Planning Policy Framework (NPPF) in 2012 but its policies are still effective where it can be demonstrated that they are consistent with the provisions of the NPPF. The emerging West Somerset Local Plan to 2032 has currently reached 'Submission' stage in its progress towards eventual adoption and, as such it can be used as a material consideration in the determination of development proposals. The strategy and relevant policies within it, in relation to the proposal therefore, can be ascribed some weight in the decision-making process.

Brushford is identified as a 'Village' through Policy SP/1: Settlement hierarchy, in the adopted West Somerset District Local Plan and the type and scale of development is determined through Policy SP/3: Development in Villages. In the context of the emerging West Somerset Local Plan to 2032, the settlement is identified as a 'secondary village' in Policy SC1: Hierarchy of Settlements and development is limited to 'small-scale' as defined in the supporting text. This restricts development to a maximum of 10% over the base stock figure in 2012. The stock figure for the Parish of Brushford is used as a proxy for the settlement as the latter is the largest one within the Parish and the only one identified for development. The Strategy and Housing Topic Paper that forms part of the 'evidence-base' supporting the emerging local plan, provides a housing stock figure for Brushford in 2012 of 267 (Table 4). On the basis of the wording in the definition this would suggest that an additional 27 dwellings could be built within or immediately adjoining the settlement up to 2032. The numbers proposed would be consistent with this. However it is noted that the definition accompanying Policy SC1 requires that only 30% of the total (27) should come forward in any five year period. Therefore in order to meet this requirement, it may be necessary to phase the rate of delivery.

The location of the proposed development is adjoining but, outside the existing 'development limits' of Brushford as identified in the adopted West Somerset District Local Plan. In the emerging West Somerset Local Plan to 2032, the context for future development in settlements that have been identified as suitable locations in Policy SC1, indicates that it could be acceptable if it were located within 50 metres of the existing built-up area of the identified settlement (criteria 5) – a definition of 'built-up area' is provided in the supporting text to this policy.

Notwithstanding, any other policy considerations within the local plan, the development proposal would be consistent with this definition.

The land was nominated as a site for potential residential development through the Strategic Housing Land Availability Assessment (SHLAA) process (site BRU2). This forms part of the 'evidence-base' of information that informs and supports the emerging local plan. The verdict of an independent SHLAA Panel comprised of local housing industry professionals (development, marketing and housing-association) was that the site was deemed suitable for this type of development on the southern part of the field. Details of the SHLAA and the sites considered can be found on the Council's web-site at;

<https://www.westsomerseonline.gov.uk/Docs/SHLAA-refresh-Jan-2013/Final-SHLAA-Update-July-2015.aspx> and,  
<https://www.westsomerseonline.gov.uk/Planning---Building/Planning-Policy/Evidence-Base-Information/Housing---Community-Evidence/Strategic-Housing-Land-Availability-Assessment>

The Submission draft of the emerging Local Plan to 2032 can be found on the Council's web-site at;

<https://www.westsomerseonline.gov.uk/Planning---Building/Planning-Policy/Local-Plan-to-2032/Local-Plan-to-2032-Submission>

*Somerset Wildlife Trust* – comment as follows:

We have noted the above mentioned Planning Application submitted by Mr and Mrs Summers as well as the supporting Ecological survey provided by WYG Planning and Environment. In general we would support the findings of that survey. In particular we would support the recommendations in Section 5 of the report which makes several recommendations for further work and a range of Mitigations and Enhancements. We would also request that any artificial lighting should not only be directed away from hedgerows and woodland but should be specifically designed so as to minimise light pollution. We would request that all of the recommendations should be incorporated into the Planning Conditions if it should be decided to grant Planning Permission.

*Housing and Community Project Lead* –

Attached is the Brushford Parish Plan, in particular I have asked for an update on the following project proposals:

1. Safe cycling/walking paths between Brushford and Dulverton – getting residents active, reducing congestion
2. Expanding the play area for older children – new project to provide facilities for older children
3. Solar photovoltaic panels on the village hall roof – to reduce running costs and make the hall available to a greater range of users.

As I feel all of these could be eligible from a S106 recreation perspective.

Regarding the parish top five priorities, the relevant ones are:

1. Solar PV as above
2. New bus stop shelter
3. Disabled access to the parish church.

I will be in touch once I have further information.

*Local Lead Flood Authority* – comments as follows:

The Lead Local Flood Authority objects to the proposed development, as submitted, on the following grounds:

Whilst it is accepted that a Site Specific Flood Risk Assessment is not required in support of this application, due to the absence of any accompanying drainage design information from the designer, it cannot be established whether the designer has considered the risks to the development from all sources of flooding or satisfied the requirement to ensure that this development doesn't increase the flood risk elsewhere.

The Design and Access Statement acknowledges that infiltration may not be possible and that there are no public surface water sewers in the area and yet it is assumed flows attenuated to greenfield rates can be discharged from the site. Infiltration testing must be carried out before a decision to grant planning consent can be made. Connection of the surface water discharge to any highway drains that may be present in Ellersdown Lane is not acceptable.

Although the site is located in Flood Zone 1 there is no evidence the applicant has considered surface water flows from the steep ground to the north that could affect the site.

*Further comments dated 10 November 2015:*

The proposal to dispose of the surface water to soakaways is acceptable to the LLFA. However a mechanism needs to be put in place for their long term maintenance, especially those serving more than one property and the unadopted road. Highways colleagues will comment separately on the proposal for the adoptable highway.

## **Representations Received**

89 letters of objection raising the following comments

- Development must have/ seen to have a purpose
- Dulverton is near to gridlock with excessive traffic,

- More local traffic impacts on residents and wildlife
- National Park
- No transport links, retail, medical/dentist or school in Brushford
- Zero village sustainability
- Need is for 1 or 2 bedroom houses or bungalows
- Larger properties aren't selling.
- Submitted at an inconvenient time
- Weight of traffic is dangerous
- Farm vehicles spreading mud and slurry = slippery road
- Poor broadband
- Postal service being cut
- No affordable housing
- Young people move away
- Properties brought for holiday homes or retirement homes
- No jobs
- Sewerage and drainage not coping now
- Water pressure has dropped
- Three Acres may suffer resulting in more job losses
- Narrow lane
- No pavement
- Speeding traffic
- Carnarvon complex not delivering what was promised
- Outside of the five year plan
- Increased traffic movements
- Loss of community
- Roads that lead nowhere
- Phase 1 what about phase 2 and 3?
- Look out to green fields
- Building on greenfield site
- Poor access
- 200 year old hedge being demolished – unacceptable
- No provision for additional drainage and sewage
- Inconvenience to the people of Brushford
- Peaceful village community
- No longer safe for children
- Development on greenfield contrary to local plan 2006 and emerging 2032 and parish plan 2011
- Guests are attracted by peaceful rural setting hard to imagine with such disruption
- Built in an urban like arrangement
- Whole hillside lost to development
- Haven for wildlife
- Loss of productive farmland
- Birds and creatures use hedgerow
- Loss of village "look"
- Hard to continue to walk down Ellersdown lane with all the traffic
- Lane to the site too narrow cannot support increased traffic
- Large houses unaffordable to local people
- A larger amount of smaller/affordable properties = more likely to support
- Beyond village development limit

- Greenfield site
- Steep incline = intrusive for those who live close
- Narrow single track lane = extra traffic = hazardous
- Water run off and increased risk of flooding
- Soakaways not effective due to clay subsoil
- Overbearing on existing adjacent houses
- Precedence for other fields down Ellersdown lane to be developed.
- Burdon on existing residents
- Problem for emergency services
- National park will be stressed at times with increased vehicle use
- Village does not sustain young families
- Loss of privacy
- Increased noise
- Ellersdown lane is used by walkers, children etc
- People moving to the village who are not local
- No work in the village
- Quiet rural location
- One of the appealing aspects for the guest house is the views and tranquillity
- Don't want a housing estate – moved here for the countryside
- Vehicle access and amount of traffic will be horrendous along Ellersdown Lane
- Hedge removal will increase run off
- Youngster cannot afford the homes, go as holiday homes/second homes
- Already a few houses that have been for sale for a long time
- Lack of privacy for houses in Ellersdown lane
- Totally unnecessary for Brushford
- Houses on a hillside very visible
- Thatched roof not in keeping with other properties
- Building work and construction = disruption and stress for everyone
- Old people, children and animals will be vulnerable and may get run over
- Noise from the development will disturb the peace
- Turn rural village into a town
- Demolish the countryside
- Kill the nature that has a right to have a habitat
- Children won't be safe with extra traffic
- Better places to build houses
- Outside present village boundaries
- No gain to community
- Clay subsoil is unsuitable for soakaways
- Parked cars often obscure entrance onto New Road
- Slow worms in Ellersdown Lane,
- New road does not have much pavement
- People will stop using the B&B's
- Greenfield land designated for agricultural use outside settlement limit of village
- Contravenes the local plan
- Change the character and nature of Brushford
- Hit local employment and local economy
- Sustainability
- Have a negative visual impact

- Translocation of hedgerow not acceptable - loss of wildlife
- Hedge on top of a Devon bank – how would this be recovered?
- Bats in the area
- Field used for badgers, birds, butterflies, slow worms, mice, and bats
- Dark sky status will be affected
- Construction vehicles would damage country lanes and bridges
- Could be as many as 104 traffic movements a day
- Out of keeping with the rest of the village more suited to a town
- More appropriate sites within Brushford.
- Poor mobile and broadband services
- Employment claims would only be for builders until the project is complete
- No lighting along Ellersdown lane is a danger
- Visual, noise and light pollution
- Against the Brushford Parish Plan 2011
- Secondary village with developments “up to 5 dwellings”
- Edge of Exmoor National Park.
- Sense of rural living lost forever
- Water supply does not cope with existing demand
- Does not comply with parking strategy need 40 spaces not 29
- No clear identified local need
- Parking issues for existing properties
- Lane too narrow for traffic to pass
- Must be a restriction on working hours
- Infrequent bus service
- No cycle path along busy road to Dulverton
- Jobs will be construction workers for limited period
- Loss of privacy
- No provision for screening
- Ask for a piece of open space between paddock railing s boundary and boundary of the proposed new gardens
- Conflict with policy SC1
- Translocation of ancient hedgerow classified as important under hedgerow regs
- Potential future damage to other hedges
- Contains no open space other than gardens
- Not a linear layout as mentioned in pre app
- Exceeds 5 year objective which would be approximately 9
- Limited local services
- Further development would multiply the undesirable effects of proposed development (dead end road).
- Hedge forms wildlife corridor through intensively managed agricultural fields
- Collection of executive homes not in keeping with the village
- Height of the proposed houses – overlook neighbouring properties
- Obstruction to the lane during construction
- Dormice in the hedge
- Hedge sits on a Devon Bank
- No work in the village have to commute
- Benefit of a short footpath not adequate compensation
- Large refuse lorries cannot fit down Ellersdown lane
- Inclusion of street lights increase light pollution and nuisance

- Only small stretches of footpath
- If garage is knocked down at 1 Pounds Close where will they park?
- Limited space to park in Pounds close
- Where would construction workers park
- Water runs down the hillside
- Problem of access for those living adjacent to the site
- Loss of light to Paddock House
- Overshadowing
- Loss of view
- Walking routes would suffer
- Would be very clearly seen
- Does nothing to provide homes for the younger generation of the village
- Difficulty of access for construction traffic
- Foundations of Ellersdown Lane are inadequate for heavy vehicles
- New houses on raised bank will make them more overbearing and intrusive
- Already a drive exiting straight onto a new junction.
- Extra vehicles parked on Pounds Close will cause problems
- Vehicles parked along the road will make it difficult for lorries to pass
- School bus stop at Nicholas Close
- Noise pollution
- Problems with the existing electricity supply more houses = more problems
- Vehicle tracking layout is incorrect
- Height of proposed properties
- Lack of local benefit
- Impact on local traffic and roads
- Unsympathetic design

3 letters of support raising the following comments

- New developments soon become accepted in the area e.g. Silverdale and The Green
- Facilities will never return unless Brushford grows
- No one would complain if the hedge were to be moved for agricultural reasons
- Everyone should be allowed to make an application for development on something they own
- Affordable housing is beyond the reach of the local population
- Traditional look of the dwelling
- Sympathetic materials
- Layout leads to community feel
- Doesn't presents any threat to the nearest neighbours
- It is sympathetic
- Sensible utilisation and rounding off of a piece of land naturally falling into place for development
- Gives the village the opportunity to replace some of the facilities it has lost by upping the population
- Most of the 200 year hedge has been knocked down for parking spaces
- A copse and garden nursery have both been lost to make room for houses

## 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 the West Somerset planning area comprises the saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

### West Somerset Local Plan

BD/1	Local Distinctiveness
BD/2	Design of New Development
H/4	Affordable Housing
LC/1	Exmoor National Park Periphery
LC/3	Landscape Character
NC/4	Species Protection
SP/1	Settlement Hierarchy
SP/3	Development in Villages
PO/1	Planning Obligations
R/6	Public Open Space and Small Developments
SP/5	Development Outside Defined Settlements
T/3	Transport Requirements of New Development
T/8	Residential Car Parking
TW/2	Hedgerows
TW/1	Trees and Woodland Protection
UN/2	Undergrounding of Service Lines and New Development

### Emerging West Somerset Local Plan

SC1	Hierarchy of settlements
SC2	Housing Provision
SC3	Appropriate mix of housing types and tenures
SC4	Affordable Housing
SC5A	Self containment of settlements.
SV1	Development at primary and secondary villages
TR2	Reducing reliance on the private car
CF1	Maximising access to recreational facilities
CF2	Planning for healthy communities
NH2	Landscape Character Protection
NH3	Nature conservation and the protection & enhancement of bii
NH4	Green Infrastructure
NH10	Securing high standards of design
ID1	Infrastructure delivery

## **Determining issues and considerations**

It is considered that the main issues in determining this planning application are:

Planning Policy,  
Design and Appearance,  
Highways,  
Affordable Housing,  
Community Infrastructure,  
Biodiversity,  
Drainage.

### **Planning Policy**

In the adopted Local Plan - that pre-dates the publication of the NPPF - Brushford is identified as a village and has a defined development limit. Policy SP/3 of the adopted plan supports development within the village where it comprises conversions, infilling or the redevelopment of previously developed land. The application site is outside of the defined development limits and therefore does not comply with the provisions of the adopted planning policy.

The emerging West Somerset Local Plan to 2032 has currently reached 'Submission' stage in its progress towards eventual adoption and, as such it can be used as a material consideration in the determination of development proposals.

The examination sessions started on 15<sup>th</sup> March 2016 and it is considered that the emerging plan is given significant weight as a material consideration.

Emerging Local plan Policy SC1 – Hierarchy of Settlements, identifies Brushford as a secondary village where small scale development will be permitted where it can be demonstrated that it will contribute to wider sustainability benefits for the area. Small scale development is defined as individual schemes of up to five dwellings providing a maximum of a 10% increase in a settlement's total dwelling number during the Local Plan period, limited to a maximum of 30% of this increase in any five year period. In effect, this definition suggests that an additional 27 dwellings can be built within or adjoining Brushford up to 2032 and this development should be further limited to 8 dwellings in any 5 year period.

To be wholly compliant with this policy, only developments of up to 5 dwellings would be permitted, and as such, proposals of that scale would fall below the threshold for affordable housing. It is possible that should development on this site be reduced to 5 dwellings, then subsequent small scale applications will be submitted that result in the same number of total dwellings, but without out any of the benefits of affordable housing or other planning contribution.

Although outside the current development limit in the adopted local plan, the emerging local plan does not have defined development limits and seeks to either within or in close proximity to the built up area of the defined settlements. The

proposal is immediately adjacent to the built up area of Brushford and is well related to existing essential and social facilities within the settlement. Access to these facilities would be further improved with the provision of the footway along the front of the site and in Pounds Close.

The overall scale of development proposed is considered to be in line with the limited growth proposed for Brushford over the emerging plan period. However, there is a danger that too much housing may come forward early on in the plan period and that the growth of Brushford is not phased over a longer period. It could be argued that should planning permission be granted, then market conditions would phase the rate of housing delivery and that the individual houses would only be built at such time when the market demands. However, leaving it purely down to the market to phase the delivery of dwellings, would mean that the council could not guarantee a phased supply the supply of housing in accordance with the aspirations of policy SC1 as submitted.

## **Design and Appearance**

The site rises up from Ellersdown Lane and is currently fields that are mainly bordered by hedges. The roadside hedge is particularly important due to its size and as it makes a significant contribution to the character of the lane. There are a few passing bays, no pavements or lighting along the lane. The character of the immediate area is mixed with the residential dwellings to the south being a mix of later 20th Century semi-detached houses and bungalow. These are mainly rendered with slate roofs. To the west of the site are some more modern dwellings that are also rendered, but with a double roman tile roof.

The proposed development is to be constructed on the sloping site and will therefore follow the natural contour and rise of the land in the same way as the existing dwellings as Ellersdown Lane and Pounds Close. The development will extend approximately 50 metres up the slope but not so far as to break the ridge line or be overly prominent in the local landscape. The site is set back from the boundary of the National Park so that in more immediate views from within the National Park, there will only be limited impacts. In wider National Park views the housing site will be seen in the context of the existing housing.

The removal of the existing hedge and bank along Ellersdown Lane will alter its character, but the proposals to widen the lane and construct a new bank and hedge will mitigate this impact to a certain degree.

The design of the proposed dwellings takes influence from some of the more historic properties in Brushford with a greater percentage of natural stone than what is found in settlement. However the approach to develop dwellings with a more traditional appearance is welcomed. Some amendments to the designs have taken place, such as the removal of thatch properties that would be alien to the local surrounds.

The proposed dwellings that face onto Ellersdown Lane will be 21 metres from the back of the existing houses at the eastern end of the lane and this distance increase to 27 metres at the western end. The change in levels means that the new dwellings

would look down on the existing houses, but this will be across a public highway where there is already a degree of overlooking. This distance is normally considered to be acceptable and avoid any significant impact in terms of loss of privacy by overlooking. The existing house to the west of the site (Paddock House) would be 18 metres away from the rear of the dwelling on plot 10 which would have 3 first floor bedroom windows facing the property. This distance is on the limit that is normally considered to be acceptable, but the windows in the first floor bedroom of Paddock House are narrow and would reduce the extent of any mutual overlooking.

## **Highways**

The County Highways Authority have considered the original submission and amendments and have concluded that the proposal would result in an increase in traffic, however it is not considered to be significant enough warrant an objection on traffic impact grounds. The County Council have considered that the TRICS database which suggests that an average household generates 6-8 traffic movements a day. 13 dwellings are therefore likely to result in a further 78 – 104 vehicle movements to and from the development.

The proposal includes widening Ellersdown Lane as well as the junction with Pounds Close to improve vehicle access to the site as well as the existing dwellings in Ellersdown Lane. These highway works would also improve pedestrian access to and from the site so that there is a safe route to Brushford New Road. This would involve the removal of an existing garage and boundary wall at 1 Pound Close, however, this property is within the control of the applicant and as such, the highways works could be delivered. These would need to be secured via a planning condition or Section 106 agreement.

The proposed development has 31 parking spaces for the 13 dwellings that are all accessed from the internal road. This is considered by the Highway Authority as sufficient for the number and size of the dwellings. With regards to the internal layout, the Highways Authority state that this is considered to be generally acceptable and they have no objection to the proposal subject to conditions.

## **Affordable Housing**

As the development is for more than 5 dwellings, it triggers the need to provide for affordable housing under emerging planning policy SC4. The emerging policy seeks on-site provision of affordable housing on sites of 11 or more dwellings and only seeks financial contributions in lieu of on-site delivery on developments of between 6 and 10 dwellings.

The current proposal is for the erection of 13 dwellings and therefore the emerging policy requires this to be provided on-site. However, the Housing Enabling Lead has made comment on the application and is requesting an off-site contribution equivalent to 4.5 dwellings, to be spent in Brushford or Dulverton. Her recommendation is based on there was an assessed housing need in Brushford, but, for a variety of reasons, this need could not be met on the proposed site.

The comments from Exmoor National Park states that “Brushford and Dulverton function together in many respects with close connections between the two communities. Providing local needs affordable housing is an important planning requirement for the area and it is vital that the site delivers the required level of affordable housing. It would normally be expected that the affordable housing be built on the site and if this was to be the case it is recommended that the local connection includes both Brushford and Dulverton. The West Somerset Affordable Housing Officer will be able to advise whether the level of need in Brushford is such that the units should be provided on this site or whether it would be preferable that they be provided in an adjoining community. If they are to be provided elsewhere then it will be important that the full affordable housing requirement is transferable to another site.”

The Councils Housing Enabling Lead is satisfied that an off-site contribution, to deliver affordable housing on an alternative site - which will be available to meet the housing needs of Brushford residents - is the appropriate option in this case. This could be secured by an appropriate Section 106 Legal Agreement.

### **Community Infrastructure Contribution**

Policy PO/1 of the local plan allows for the provision of planning obligations to provide or contribute towards infrastructure or community facilities directly related to the proposed development and commensurate with the development proposals.

In seeking to negotiate and secure planning obligations the local planning authority has to have regard to paragraphs 203 and 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010. Planning obligations should only be sought where they meet all of the following three tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The local planning authority has an adopted SPD in respect of planning obligations (adopted December 2009). The guidance in the SPD sets the local planning authority's priorities for planning obligations and how these should be secured.

The SPD sets out an indication of the potential value of planning obligations for contributions in addition to the provision of affordable housing. It details what could be achieved whilst enabling the development to be commercially viable. These contributions would include costs such as community recreation contributions, highway improvements and contributions towards education.

For residential development outside of Minehead, Watchet and Williton this range is suggested to be between £2,000 - £5,000 per plot - although individual applications are assessed on their own individual merits and circumstances.

Where a developer is able to demonstrate that necessary contributions would result

in the scheme becoming unviable, the local planning authority should seek to take a flexible approach in securing any obligations (as advocated by paragraph 205 of the Framework). The Agent has suggested that £5,000 per open market dwelling be offered

The wording of any Section 106 agreement would allow the contributions to be spent on projects that are local to the application site and the allocation of the contribution would be managed through the Council's Planning Obligations Group process. This group will look at the Parish Council top 5 priorities for the area when determining how any Section 106 obligation is spent. The top 5 priorities for Brushford are:

- New Children's Bus Shelter opposite the Old Post Office
- New Bus shelter on B3222 for northward bound travellers
- Stairs and balustrade for the mezzanine floor in the Parish Hall
- Kerb Levelling - Several kerbs throughout the village do not cater for disabled vehicles
- Tarmac to the driveway of the Parish Hall

It is therefore considered that a contribution of £5,000 per dwelling (£65,000) is secured through a Section 106 Agreement.

## **Biodiversity**

The site is currently pasture and is of little ecological importance. However, the existing bank and hedgerow along Ellersdown Lane is of much greater value and it is the potential habitat for dormice. It is proposed to remove and reinstate the bank and hedgerow on the northern edge of the widened Ellersdown Lane. This is likely to have an adverse effect on the existing habitat and would require appropriate licences from Natural England should permission be granted. The ecological assessment and survey work established that the hedgerows that surround the site and wider area do provide a habitat and ecological link for dormice. The proposal involves the translocation of the existing hedge to the north of the site as well as the planting of new hedges to surround the proposed development which would provide mitigation and potential improvements to ecological links. Provided that the new landscape scheme is fully carried out at an appropriate time, then it is considered that there is unlikely to be a significant adverse effect on wildlife.

## **Drainage**

The Local Lead Flood Authority initially objected to the proposal on the basis that there are no surface water sewers in the vicinity and they advised that infiltration testing must be carried out prior to determining the application.

Infiltration tests were subsequently carried out in accordance with BRE 365 and have been submitted for consideration. The Local Lead Flood Authority commented that "the proposal to dispose of the surface water to soakaways is acceptable to the LLFA. However a mechanism needs to be put in place for their long term maintenance, especially those serving more than one property and the unadopted

road.”

The agent advises that the roads within the site are to remain private and all runoff from the roads, drives and roofs are to be drained to soakaways and/or permeable paving with the infiltration testing providing positive results. A cut off land drain has been shown along the northern boundary to intercept any runoff from the north. This would in effect be a trench soakaway. A drainage channel will be provided across the site access to prevent any runoff from private areas entering the highway. All these measures will intercept surface water runoff from the site and the field to the north and prevent flows entering Ellersdown Lane.

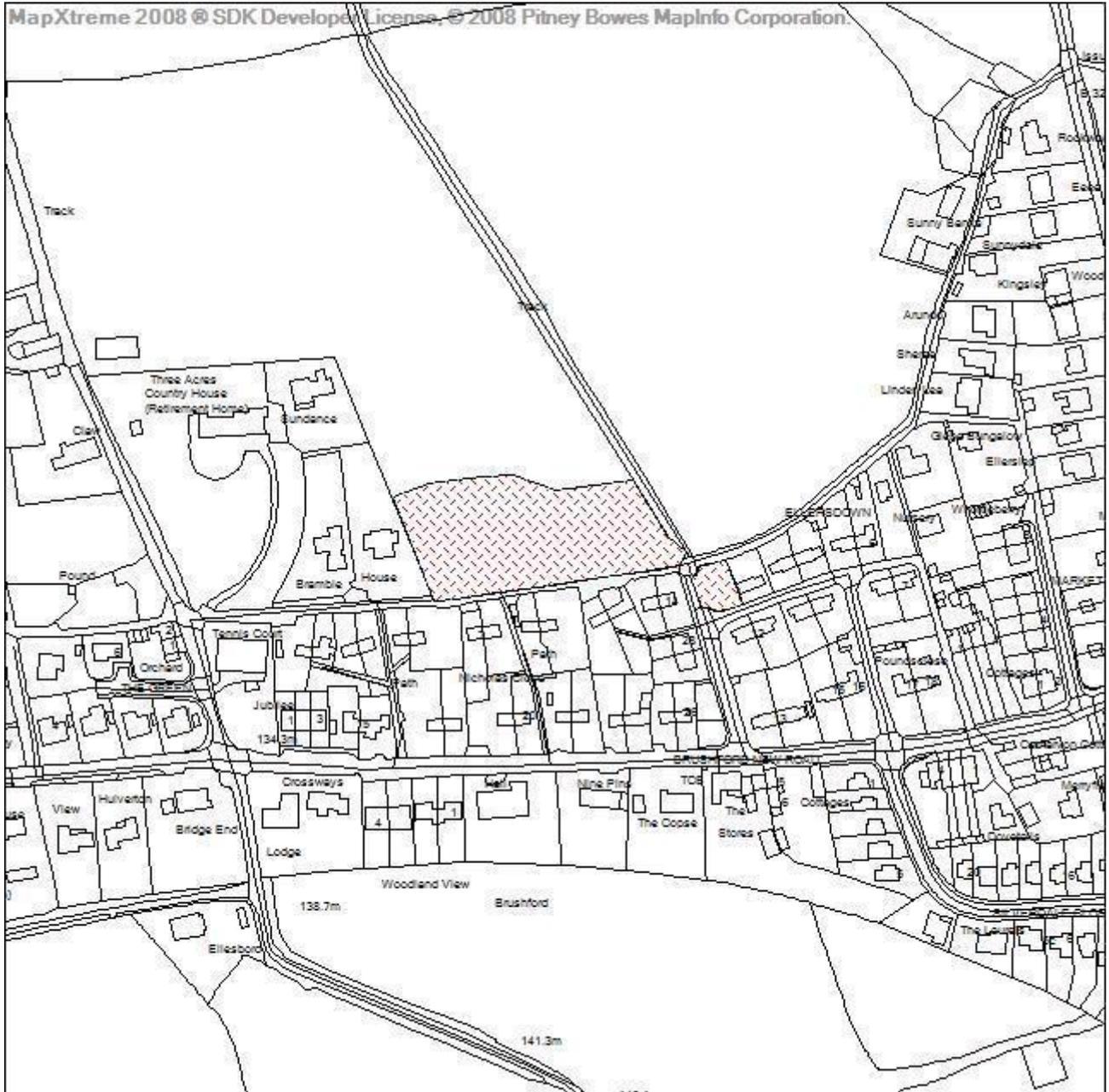
The agent has also said that all drainage infrastructure and internal roads will be looked after by a management company and therefore will not be needed for adoption by Somerset County Council, although all will be to an adoptable standard. Details of the long maintenance could be secured by a planning condition.

South West Water have made comments on the foul drainage and have stated that a 100mm connection is not sufficient. Agreements for foul water connections will need to be made with South West Water and this would normally be outside of the planning application process. Notwithstanding, the agent has confirmed that they will provide a 150mm sewer – which is the same size as the existing sewer in Brushford New Road.

## **Conclusion**

Whilst the development does not comply with the policies set out in the adopted local plan, the proposal will result in the delivery of housing in accordance with the aspirations for the limited growth in the secondary villages identified in the emerging local plan. The proposal makes for adequate provision of affordable housing and community infrastructure contributions and the design and layout is appropriate to the area. It is therefore recommended that planning permission be granted.

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



Application No 3/04/15/004  
 Proposed residential development of  
 13 properties including associated  
 landscaping, parking and a new  
 vehicular and pedestrian access  
 from Ellersdown Lane.  
 Land to the north of Ellersdown  
 Lane, Brushford, Dulverton  
 27 April 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: 292274    Northing: 125799    Scale: 1:2500



<b>Application No:</b>	<a href="#">3/04/16/002</a>
<b>Parish</b>	Brushford
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Hamish Laird
<b>Grid Ref</b>	Easting: 292917    Northing: 124559
<b>Applicant</b>	Mr Robert Page
<b>Proposal</b>	Permeable surfacing to pedestrian footpath and car parking area to serve single dwelling (resubmission of 3/04/15/010)
<b>Location</b>	Bramblehurst, Mill Lane, Brushford, Dulverton, TA22 9AY
<b>Reason for referral to Committee</b>	<b>The recommendation is contrary to the views of the Parish Council</b>

## Recommendation

Recommended decision: Grant

### Recommended Condition(s) (if applicable)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

BP/2016/101 - Site Location Plan - scale 1:1,250;  
BP/2016/101 - Site Block Plan - scale 1:500;  
BP/2016/101 - Proposed Site Layout Plan - scale 1:200;  
all stamped received on 17th February, 2016.

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

- 3 No works shall be undertaken on site unless samples of the materials to be used in the construction of the parking spaces and footpath hereby permitted external surfaces, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out only in accordance with the approved details, and shall, thereafter, be permanently maintained in these materials.

Reason: To safeguard the character and appearance of the site and surroundings and to minimise any impact on flood risk having regard to the provisions of Saved Policies LC/3, BD/1, and W/6 of the West Somerset District Local Plan (2006). These details are required before development commences because the material must be capable of providing a permeable surface to the development to allow rainwater to permeate the surface and minimise the possibility of any flood risk given the proximity of the site to the adjoining stream.

- 4 No works shall be undertaken on site unless a soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include [ numbers, density, size, species and positions of all new trees and shrubs] [positions, species and size of all new trees and the location of grassed areas and areas for shrub planting]; and a programme of implementation.

Reason: In the interests of the appearance of the development and the surrounding area having regard to the provisions of Saved Policies BD/1 and LC/3 of the West Somerset District Local Plan (2006). The soft landscaping details are required prior to the commencement of any works on site in order to ensure that the correct size, number and species of hedge plants and shrubs are provided and to ensure that the possibility of any flood risk arising from their planting is minimised.

- 5 All soft landscape works approved as part of this permission shall be carried out in accordance with the approved details. The works shall be carried out in the first planting season (November – March) following the first use of the car parking spaces and footpath. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

Reason: To ensure that the landscape scheme is implemented and maintained having regard to the provisions of Saved Policies BD/1 and LC/3 of the West Somerset District Local Plan (2006).

- 6 No works shall be undertaken on site unless a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include [numbers, density, size, species and positions of all new trees and shrubs] [ positions, species and size of all new trees and the located of grassed areas and areas for shrub planting]; details of the hard surface

treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).

- 7 No part of the site in the area of the footpath indicated on the approved plans shall be used as a vehicular access to Bramblehurst.

Reason: To protect the amenities of occupants of adjoining dwellings from noise and disturbance and to protect the character of the area in accordance with the provisions of Saved Policies PC/3 and LC/3 of the West Somerset District Local Plan (2006).

- 8 Prior to the car parking area and footpath hereby approved first being brought into use, a wooden post and rail fence containing a pedestrian gate shall be erected across the width of the site at the furthest extent of the car parking area closest to the dwelling at Bramblehurst. Once provided, the fence and pedestrian gate shall be maintained as erected at all times.

Reason: To prevent any vehicle movements on site along the line of the footpath, hereby approved, towards the dwelling at Bramblehurst in the interests of protecting the residential amenities of occupants of the adjoining dwellings at 4 - 7 Exebridge from noise disturbance; and, to safeguard the rural character and appearance of the area in accordance with the provisions of Saved Policies PC/2 Noise Pollution, and LC/3 Landscape Character of the West Somerset District Local Plan (2006).

## **Informative notes to applicant**

### **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, which positively informed the design/nature of the submitted scheme. No substantive issues were raised by consultees through the application process. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

## Proposal

The application seeks planning permission for the provision of permeable surfacing to the present grassed pedestrian footpath and car parking area to serve the dwelling at Bramblehurst, Mill Lane, Exebridge, Brushford. The submitted plans indicate 2 No. car parking spaces in tandem served off an un-made track that exits out onto the B3222 – Mill Lane, some 30m to the east. The access point to this area is gated where it joins the track. The car parking area measures approximately 16.0m deep x 3.0m wide, with a smaller area of permeable surfacing in a dog-leg to the north of it measuring 3.5mx 3.5m. The proposed parking area would be sufficiently long enough to accommodate two cars off road with the gate shut, and the smaller area could be used for parking a small trailer or motorcycle.

The second element of the proposal involves the laying of a permeable surface to form a footpath linking the car parking spaces with the dwelling at Bramblehurst. This involves a linear path approximately 48 metres long laid adjacent to the post and wire fence boundary marking and dividing the site from the adjoining field to the west. A stream runs to the east of the line of the proposed footpath for the length of the site in a north-south direction. To the east of the stream lies a double garage and associated land, and boundary fencing screening the rear gardens serving of dwellings sited to the east at Nos. 4 - 7 Exebridge. A hedge plus shrub planting is proposed to be planted on the eastern side of the new footpath surface between it and the stream. A wooden bridge currently provides pedestrian access only across the stream into the garden of Bramblehurst.

The car parking area is proposed be sited between the site of the double garage and land to its rear on its west side which in turn partly bounds the rear garden boundaries of the above neighbouring properties. The new driveway is proposed to be surfaced with a proprietary permeable material that will allow water to drain into the ground as it presently does.

## Site Description

The site is currently a grassed strip of land bounded by the stockproof fence to the field on its west side and the double garage and land to its rear; and, adjoining rear garden boundaries of dwellings to the east. The stream mentioned above runs the length of the site and is culverted adjacent to the adjoining double garage prior to it running under the access track and onwards to the south of the site past the adjoining dwelling at The Old Forge which has its rear conservatory located opposite the double garage. The garden areas serving the adjoining single storey dwellings fronting Mill Lane to the east at Nos. 4 to 7 Exebridge are screened from the garage land and site by a mixture of 1.8m high wooden panel fencing, outbuildings and shrubs. Bramblehurst is presently served by a small double garage, in a poor state of repair. The garage is located to the south of the access track and to the rear (west) of the neighbouring dwelling at The Old Forge.

Exebridge lies at the southern end of the south western part of the District close to

the Devon border which is marked by the road bridge across the River Exe approximately 300m to the south-west. The dwellings amongst which Bramblehurst and the neighbouring properties are set are not bounded by any settlement boundary in the West Somerset District Local Plan (2006). The proposal, therefore, represents development in the countryside.

## Relevant Planning History

There have been a number of proposals affecting the site.

Application Ref: 3/04/03/002 – proposed a vehicular lay-by to provide safe off-road parking for a single vehicle adjacent to the road frontage of the Bramblehurst plot with the B3372. The application was refused on 28 April, 2003, on highway safety grounds. No appeal was received.

3/04/87/019 – Extension to dwelling – Approved 22 October, 1987.

3/04/02/017 – Refurbishment and rebuild of existing dwelling, Extensions to existing building – Approved – 23 January, 2003.

3/04/03/004 – Construction of pedestrian access to serve Bramblehurst (to rear of 4 – 7 Exebridge – Approved – 12 August 2003

3/04/04/001 – Change of use of land to form a vehicular access to serve Bramblehurst along the rear of dwellings at 4 – 7 Exebridge – Refused – 15 March, 2004

This was due to the effect of the proposal on the character and appearance of the area; and the likely impact on the living conditions of neighbouring residents by reason of loss of privacy and noise disturbance.

In dismissing the Appeal in a Decision Letter dated 7 December, 2004, the Inspector considered that the introduction of an access for domestic motor vehicles would be an alien activity and would be out of keeping with and harmful to the rural character of the area.

The Inspector also considered that even the minimal level of activity generated by the vehicle movements from one household would result in disturbance to the living conditions of the residents.

3/04/14/008 – Construction of four bedroom house on site of 3 bedroom bungalow and amendments to existing pedestrian access to provide vehicular access to the proposed dwelling at Bramblehurst, Exebridge – Refused 23 May, 2014.

This application was refused for the following reasons:

- 1 The proposal by reason of the extent and location of the proposed hard surfacing behind the traditional field boundary and the existing linear form of

existing dwellings comprising Nos. 4-7 Exebridge would result in an incongruous feature in the landscape and would harm the distinctive landscape character and form of development in the area. The proposal is therefore contrary to Saved Policies BD/1, BD/2 and LC/3 of the West Somerset District Local Plan and paragraphs 17, 56, 60, 64, 109 of the National Planning Policy Framework (2012).

2 The proposal by reason of the siting of the rear access track adjoining the rear gardens of the adjoining dwellings, Nos. 4-7 Exebridge would result in noise and intrusion from vehicular movements and car headlights to the detriment of the amenities of these adjoining occupiers. The proposal is therefore contrary to Saved Policy BD/2 of the West Somerset District Local Plan and paragraph 17 of the National Planning Policy Framework (2012).

No appeal was received.

3/04/15/010 – To increase the width of the existing pedestrian access to allow vehicular access from private lane to single dwelling – Refused – 23 May, 2014.

The reasons for refusal read:

1. The proposed development would have an adverse impact on the landscape character of the area through the introduction of overly urban features, including the proposed acoustic fencing, and the introduction of domestic vehicle movements across a parcel of land in the open countryside. The proposal would not protect the countryside for its own sake and it is considered that there would be no wider justification for the scheme as to outweigh the harm. The proposal therefore conflicts with Policies LC/3, SP/5 and BD/1 of the retained West Somerset District Local Plan, Policy NH2 of the emerging West Somerset Local Plan and Para 109 of the National Planning Policy Framework.
2. The proposal would have an adverse impact on the amenities of the neighbouring houses and their associated curtilage areas as a result of the disturbance arising from new vehicular movements along the proposed driveway, which will cause noise, vibration and intrusion lighting from car headlights at times of darkness. The proposal is therefore considered to conflict with Policies BD/1 and BD/2 of the retained West Somerset District Local Plan and Paragraph 17 of the National Planning Policy Framework.

No appeal was received.

PRE/04/16/001 – Post refusal, the applicant sought pre-application advice from the Council to: Create a hardstanding surface for two vehicles at the southern end of a grass track and a hard surface pathway leading from it north up to the bungalow. Informal advice was provided to the applicant at a site meeting on 5 February, 2016.

## **Consultation Responses**

*Brushford Parish Council* – Objects to the proposal on the grounds that:

At the Parish Council Meeting held last Tuesday, March 8th., Councillors considered the subject reapplication in detail and ruled in objection to the application for the following reasons:

1. The application makes no reference to an existing footpath which currently runs parallel to the proposed new path.
2. No justification has been made for the construction of this second, parallel path.
3. In the light of 2. above, no details are given to the removal of the existing path.
4. The proposed plantings will seriously inhibit the access to the ditch for maintenance and clearing. It is noted that the stream within the ditch runs virtually throughout the year.
5. The property already enjoys the facility of a double garage and two parking spaces on the other side of Exeham Lane and the justification for the establishment of a further two car parking spaces is questionable.
6. The proposed hardstanding for two vehicles poses the probability of oil and petrol leeching into the ditch, which flows into the River Exe a few metres downstream from the road bridge.

The following inaccuracies within the formal application were noted:

1. The address details are inaccurate in stating Brushford as the address of the subject property.
2. Under Item 5, Pedestrian Access & Rights of Way, the application states “No” against both a new or altered pedestrian access.
3. Under Item 12, Assessment of Flood Risk, the applicant incorrectly responds “No” to both being within a Flood Risk Area (which the site is) and “No” to being within 20 metres of a watercourse, when the plans submitted clearly identify the ditch/beck.

In addition to the above, the Parish Council made the following observations/perceptions:

1. The inclusion of this second path will probably provide a dual track, thus providing possible vehicular access to the property, which currently does not exist.
2. In support of the perceptions of 1. above, the applicant has a long history of refused applications for the development of full vehicular access to the property within the confines of this piece of land.

*Highways Development Control* – Standing Advice applies.

*Environment Agency* - No comments received.

## Representations Received

Three letters of representation from neighbours have been received. All object to the proposal advising that:

- The application includes a repeat application for the rear footpath previously objected to and dismissed at appeal;
- This is a very sneaky way of trying again for a track that was originally declined;
- Both properties will be overlooked by it and it will cause significant noise and pollution to both gardens and dwellings;
- It would be impossible to look after the large ditch that runs all year round if planting took place;
- The ditch is not currently maintained;
- The ditch caused flooding to both the Old Forge and 3 - 7 Exebridge in 2012;
- The whole area is in a high risk flood zone;
- A path to the dwelling was made approximately 11 years ago. If one is made on the opposite side, it will become a drive. By claiming no track is there and stating that one needs to be built on the opposite side will make a vehicular access;
- A vehicular access has been refused three times already;
- The existing tenant of 10 years prefers to use the existing pedestrian entrance from the B3222. It is within the 30 mph speed limit, and lit by Council maintained street lights;
- There is no vehicular right of way from this strip to the lane;
- The applicant already has a garage;
- Danger to children using the footpath so close to the stream;
- The site is agricultural land;

## 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 the West Somerset planning area comprises the saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

### West Somerset Local Plan (2006)

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  
LC/3 Landscape Character  
W/5 Surface Water Run-Off  
T/3 Transport Requirements of New Development  
T/9 Existing Footpaths  
PC/3 Noise Pollution

### **Emerging West Somerset Local Plan (2015)**

The following Policies are considered relevant to this application:

SD1 Presumption in favour of Sustainable Development  
SC1 Hierarchy of Settlements  
OC1 Open Countryside Development  
CC2 Flood Risk Management  
NH2 Landscape Character Protection  
NH10 Securing High Standards of Design

### **National Policy**

The National Planning Policy Framework (March 2012) is a material planning consideration. Particularly the advice contained in Sections:

3. Supporting a prosperous rural economy; and,  
7. Requiring good design.

## **Determining issues and considerations**

The following issues are considered to be of relevance in determining this application:

- Principle of development
- Design and visual impact, and impact on the character of the area
- Residential amenity
- Highway safety
- Flood risk and drainage
- Any other material planning considerations

### **Principle of development**

Background - Officers are mindful of the sites planning history in respect of the previous proposals for vehicular access to serve Bramblehurst – see refs: 3/04/14/008 which sought permission for a replacement dwelling and vehicular access along the site area; and, 3/04/15/010 – To increase the width of the existing pedestrian access to allow vehicular access from private lane to single dwelling – both of which were refused.

Application Ref: 3/04/03/004 for “Construction of pedestrian access to serve Bramblehurst (to rear of 4 – 7 Exebridge)” was approved in August, 2003, so there is an existing lawful right of access on the site for pedestrians to access Bramblehurst from the track. However, application Ref: 3/04/04/001 for a change of use of land to form a vehicular access to serve Bramblehurst was refused in January 2004, and was subsequently dismissed on appeal in December, 2004.

Officers consider it is clear that a pedestrian access to serve Bramblehurst is acceptable in land use, visual impact and neighbour amenity terms, whilst a vehicular access is not.

The application - The full planning application proposes the creation of two car parking spaces in tandem on a permeable hard surface using the existing access from the unmade track to the east of the site, and the creation of a permeable hard surfaced footpath from the car parking spaces to the dwelling at Bramblehurst. In addition, hedge planting alongside the length of the footpath surface adjacent to the adjoining stream is proposed. A vehicular access from the track already exists being marked by a wooden 5-bar gate, and pedestrians, but not vehicles, can access the dwelling at Bramblehurst via the grassed surface of the site up to the wooden footbridge across the stream and into the garden and dwelling at Bramblehurst.

The proposal seeks to provide 2 No. car parking spaces in tandem via an existing vehicular access, and improve the existing pedestrian access serving Bramblehurst, and accords with the provisions of Saved Local Plan Policy SP/5 in that it would benefit social activity without leading to a significant increase in car traffic; and, of Emerging Local Plan Policy SC1 (4) which makes similar provisions. In principle, the proposal is considered to be acceptable.

### **Visual impact, and impact on the character of the area**

The proposal involves the laying of a permeable surface which is hard enough to support parked vehicles and their movements on and off the tandem car parking spaces, and to provide a firm surface to walk on from them to the dwelling. The permeable surface is a requirement given the proximity of the parking spaces and path to the adjoining stream. The flat surface of both the car parking spaces and path would have little visual impact on the character of the site and surroundings in this edge of settlement location. The car parking spaces would be sited adjacent to a double garage on their east side; and, the field access to the adjoining field on the west side. The application proposes hedge and shrub planting between the stream and the footpath surface. This would, over time, soften the appearance of this part of Exebridge, and provide privacy to occupants of adjoining residential properties. It would also act as a barrier to vehicles rendering the footpath access pedestrian only.

The proposed development is considered to be acceptable in respect of its visual impact, and impact on the character of the site and surroundings and accords with the provisions of Saved Local Plan Policies LC/3 and BD/1; and, emerging Local Plan Policy NH10.

## **Residential amenity**

The comments received from the neighbour are noted. There is already a right of pedestrian access across the site and the provision of a permeable surface for the footpath would have no impact on the neighbours amenities as there would be no change to the existing situation, other than the footpath access is likely to be used more frequently than the present grassed surface.

In respect of the proposed parking in tandem on the area closest to the access track. These spaces will be sited adjacent to the adjoining double garage, and any vehicle movements and noise generated from them would largely be screened from neighbours in the dwellings at 4 – 7 Exebridge. There would be some impact on the amenities of occupants of The Old Forge as vehicles would enter and exit the parking spaces at an angle to the conservatory attached to the west facing rear elevation of this adjoining property, although any impact from vehicle lights during the winter months is likely to coincide with a lower level of usage of the conservatory, and the traffic movements from the residential use of Bramblehurst are likely to be low. No other dwellings would be similarly affected, and the proposal accords with the provisions of the provisions of Saved Local Plan Policy PC/3 Noise Pollution in the West Somerset District Local Plan (2006); and, of Policy, NH10 Securing High Standards of Design, contained in the Emerging West Somerset Local Plan (2015).

## **Highway safety**

Somerset County Council – Highways has advised that Standing Advice applies in this case. A 30 mph speed limit is in force along this section of the B3222. The site already has a gated access across it that is wide enough to accommodate vehicles, and a lawful use as a footpath to serve Bramblehurst. The access is sited adjacent to a double garage and hardstanding area on its east side, and a field access to its west side – all are served off the track which also serves Bramblehurst's existing garage to the rear of The Old Forge. Vehicles would reverse out onto the track before proceeding a short distance to the east to join the B3222. It is considered that the highway safety aspects of the access onto the track are acceptable, as there would be no material increase in traffic movements to and from the site.

A further point is that the proposal would enable the occupants of Bramblehurst to park their vehicles and walk to the dwelling without having to walk along the B3222 carriageway. Whilst they can do this at present anyway, the grassed surface of the present path is not an all-weather surface and wet conditions discourage its use. There is no footpath adjoining either side of the carriageway of the B3222 along its frontage with the plot at Bramblehurst or on the approach to the plot from the junction of the access track to the south. Pedestrian movements along the B3222 should be minimised as much as possible on highway safety grounds. It is noted that a previous application Ref: 3/04/03/002 for a vehicular lay-by to provide safe off-road parking for a single vehicle adjacent to the road frontage of the Bramblehurst was refused on highway safety grounds in respect of vehicles joining the highway in April, 2003, so this avenue has previously been explored.

The proposed development is considered to be acceptable in highway and

pedestrian safety terms and accords with the provisions of Saved Local Plan Policies T/3 Transport Requirements of New Development; and, T/9 Existing Footpaths in the West Somerset District Local Plan (2006); and, the provisions of Policy, NH10 Securing High Standards of Design, contained in the Emerging West Somerset Local Plan (2015).

### **Flood risk and drainage**

The site lies in Flood Risk Zone 1 - Lowest Risk. It is clear that it lies adjacent to a stream that flows into the River Exe a short distance away, however, this part of the site does not lie within Flood Risk Zones 2 or 3 (Medium and High Risk). In flood risk terms the proposed development is considered to be acceptable, as it would involve the use of a permeable surface to both the vehicle parking area and footpath, and is unlikely to lead to any increased risk of flooding from the development of the site or further downstream as it would not displace any flood storage space within a recognised floodplain. It can be argued that the planting of hedging and shrubs closest to the stream would assist in water uptake and lessen the likelihood of flooding over time. In respect of the management of the stream the applicant has advised that a balance has to be struck between keeping the channel clear and water flowing freely versus the risk of increasing the likelihood of flooding to adjoining properties downstream

The concerns raised by neighbours and the Parish Council regarding surface water run-off are noted. It is considered that there would be no net increase in any surface water run-off from the site as a result of the development. In terms of drainage arrangements the proposal is considered to accord with the provisions of Saved Local Plan Policy W/5: Surface Water Run-Off; and, Emerging Local Plan Policy CC2: Flood Risk Management.

### **Any other material planning considerations**

Existing garage - It is noted that an existing double garage serves Bramblehurst. This is located on the south side of the access track leading to the site from the B3222 . The access to it from the tack follows a curve around the hedged rear garden boundary of The Old Forge and it is not accessed in a straightforward manner. Vehicles are obliged to reverse out along the access to meet the access track. The proposed tandem parking arrangement and footpath would provide a firm surfaced access between the dwelling parking area, as well as a more easy to use parking and access arrangement.

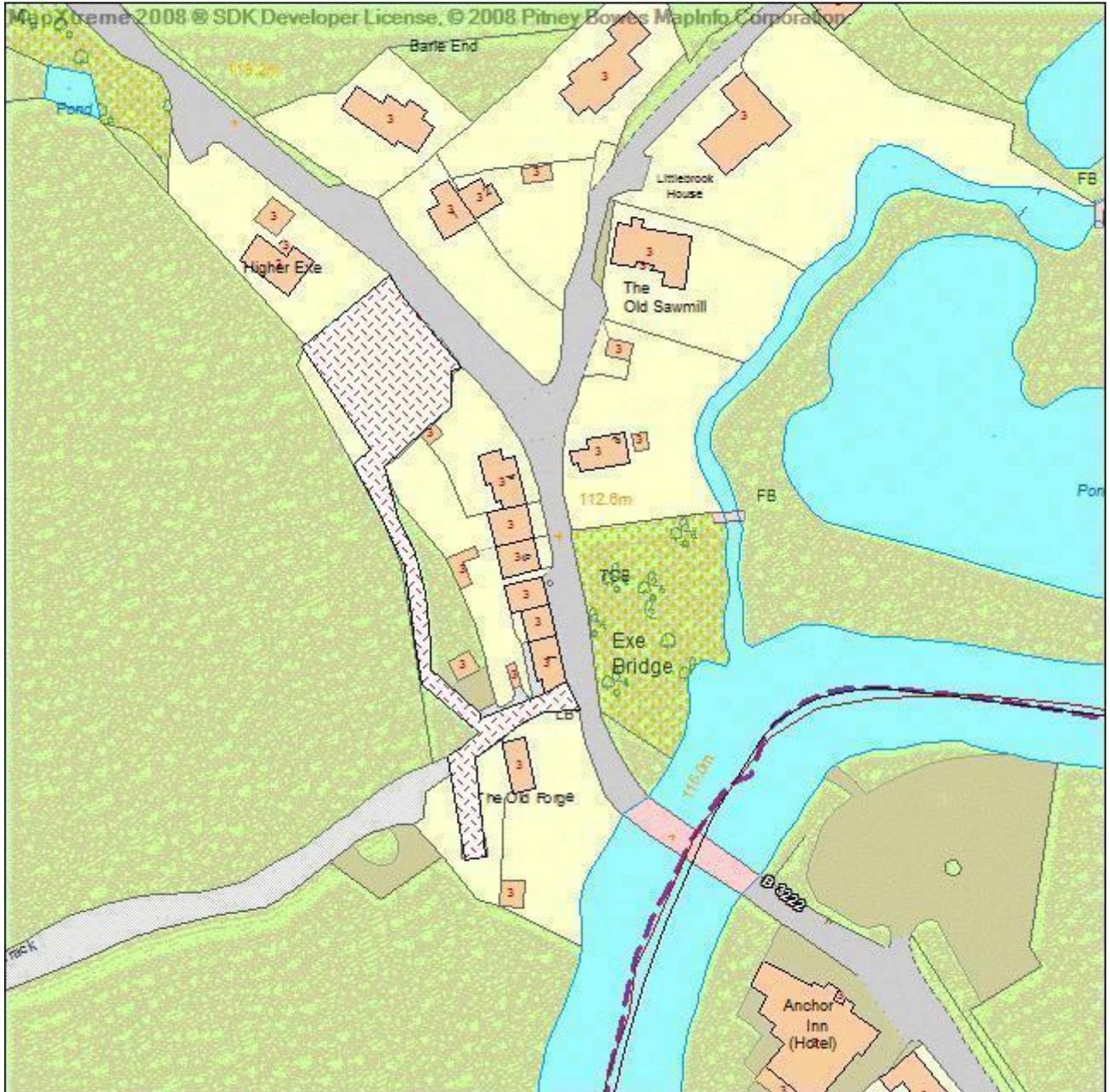
Precedent - The concerns of the Parish Council and neighbours are noted. The Council is required to consider each planning application on its merits in accordance with the provisions of the Planning Acts, National and Local Planning Policy and any other material considerations. Whilst the application site has been subject of previous proposals that have involved the creation of a vehicular access directly from the access track to the dwelling at Bramblehurst, these have met with the refusal of the Council and the Planning Inspectorate. This application proposes the provisions of two car spaces in tandem sited next to a double garage and

hardstanding. It proposes surface works and landscaping with no structures involved. It can be conditioned that the access be pedestrian only beyond the car parking area towards Bramblehurst, although the landscaping proposed should, over time, prevent such a use. A fence across the head of the car parking spaces with pedestrian gate can also be conditioned to be provided before the car parking area is first used to further prevent any vehicle movements up to the site of Bramblehurst. In any event, the stream would have to be bridged to allow vehicles across onto the plot, and the present wooden footbridge is not capable of supporting vehicular traffic.

## **Conclusion**

The proposed development is considered to be acceptable and the application should be approved.

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



Application No 3/04/16/002  
 Permeable surfacing to  
 pedestrian footpath and car  
 parking area to serve single  
 dwelling (resubmission of  
 3/04/15/010)  
 Bramblehurst, Mill Lane,  
 Brushford, Dulverton, TA22 9AY  
 17 February 2016  
 Planning Manager  
 West Somerset Council  
 West Somerset House  
 Killick Way  
 Williton TA4 4QA  
 West Somerset Council



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: 292917    Northing: 124559    Scale 1:1250

Licence Number: 100023932

<b>Application No:</b>	<a href="#">3/07/16/001</a>
<b>Parish</b>	Crowcombe
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Hamish Laird
<b>Grid Ref</b>	Easting: 313053    Northing: 136050
<b>Applicant</b>	Mr and Mrs N Simmons
<b>Proposal</b>	Change of use and conversion of barn to holiday unit
<b>Location</b>	Roebuck Farm, Crowcombe, TA4 4BN
<b>Reason for referral to Committee</b>	<b>The recommendation is contrary to the views of the Parish Council</b>

## Recommendation

Recommended decision: Refuse

### Reasons for refusal:

- 1 The site lies in the open countryside outside any defined settlement boundary. Its lawful use is for agricultural purposes. The barn on site is in a reasonable condition, but requires works of repair/maintenance to prolong its useful life. The development proposes the change of use of the remnants of a former barn incorporating the adjoining barnyard wall, and extensions to form a three bedroomed holiday let plus the erection of an attached refuse/log store. This involves works to the three remaining walls of what was a stone built barn with a floor area of approximately 44 sq. metres, and the addition of extensions covering a floor area of approximately 191 sq. metres. The proposed development is unacceptable because the change of use of the site from agricultural land to the use of the land to a holiday let and the conversion/extension of the barn would be contrary to the provisions of Saved Policies SP/1 Settlement Hierarchy; and, SP/5 Development Outside Defined Settlements in the West Somerset District Local Plan (2006); and, Policies SC1 Hierarchy of Settlements, and OC1 Open Countryside Development in the emerging West Somerset Local Plan 2015, which in essence seek to restrict residential development in the countryside to that associated with an established need for local agriculture, horticulture and forestry; and, the advice contained in Paragraph 55 of the National Planning Policy Framework.
  
- 2 The proposed development is unacceptable in that it effectively proposes new build residential development in the countryside. The nature, scale and extent of the development arising from the proposed alterations and extensions to the remnant of the former barn to convert it into a unit of holiday let accommodation, will result in an excessive addition out of all proportion to the former barn proposed to be converted. This development that will detract from the rural setting of the area and will, overall, result in a domestic appearance

to this site in the countryside which will have a harmful visual impact on the rural character of the site and its countryside surroundings. The proposed development is contrary to the provisions of Saved Policies LC/3, BD/1 and BD/2 in the West Somerset District Local Plan (2006); and, to the provisions of Policies NH2 Landscape Character Protection; and, NH10 Securing High Standards of Design, contained in the Emerging West Somerset Local Plan (2015); and, advice contained in the National Planning Policy Framework at Paragraph s 55 and 64.

- 3 The proposed development is unacceptable because no evidence as to the requirement for tourist accommodation/holiday lets has been presented to the Council to justify the requirement for the unit of holiday let accommodation. The proposal is tantamount to an application for a new dwelling in the countryside beyond any recognised settlement limits and as such is contrary to the provisions of Saved Policies SP/1 Settlement Hierarchy; SP/5 Development Outside Defined Settlements; and H6 Conversion to Residential or Holiday Accommodation Outside Settlements in the West Somerset District Local Plan (2006); Policies SC1 Hierarchy of Settlements, and OC1 Open Countryside Development in the emerging West Somerset Local Plan 2015; and, advice contained in the National Planning Policy Framework at Paragraph s 55 and 64.

## **Informative notes to applicant**

### **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. Despite the Local Planning Authority's approach to actively encourage pre-application dialogue, the applicant did not seek to enter into pre-application discussions/correspondence with 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] and the applicant was informed of these issues and advised that it was likely that the application would be refused. Despite this advice the applicant chose not to withdraw the application.

The application was considered not to represent sustainable development and the development would not improve the economic, social or environmental conditions of the area.

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.

## Proposal

The full application proposes the change of use and conversion and extension of a barn to form a holiday let unit at Roebuck Farm, Crowcombe. This involves utilising the remains of a former stone built, barn and stone barnyard wall to form a three bed holiday let, plus attached refuse/log store.

The existing building on site, which is in a ruined state, measures approximately 5.4m deep x 8.2m wide x 2.5m to the eaves and 4.2m to the ridge. The existing footprint/floor area equates to 44.28m<sup>2</sup>. It is noted that the height of the building above ground varies owing to the sloping nature of the ground on which it stands. The northern, end wall elevation represents the highest point, whilst the southern, end wall elevation represents the lowest side. The roof structure is in a state of disrepair with the majority of the slates on the west facing roof slope missing, and the roof timbers supported by metal props. The structure has an open aspect on this side. The east facing roofslope which springs off the rear east facing wall of the structure is more intact being covered in a mix of slate and corrugated asbestos roof sheeting.

As advised above, the proposal involves the re-roofing of the remnants of the barn, and extensions to the existing structure, resulting in an increase in the floor area. The existing barn structure will form the kitchen/living area of the holiday unit, whilst the three bedrooms – 2 with en-suite shower rooms, and one with an en-suite bathroom; the hallway; utility room, and cloakroom/WC, plus the refuse/log store to be attached to the en-suite bathroom serving bedroom 1; and, open porch to be attached to the east side of the original barn, would all be new build structures. Their eaves and ridge heights would match those of the present barn structure.

The above extensions will add to the footprint of the existing structure by:

Open sided porch 5.5m x 3.2m. Floor area = 16.6m<sup>2</sup>

Extension width = 6.0m x 25.0m length. Floor area of extension = 150m<sup>2</sup>

Refuse/log store width 4.1m x 7.0m length = 35.0m<sup>2</sup>

Total new floor area = 191.6 m<sup>2</sup>

The overall footprint of the structure will increase from approximately 44.28m<sup>2</sup> to 191.6m<sup>2</sup> an increase in footprint of 432%.

The design of the refuse/log store indicates a pair of inwards opening double doors filling a 3.0m wide gap. This is sufficient to allow vehicular access in to the proposed courtyard. A parking area to serve the holiday unit is proposed to be sited on the present area of gravel to the west of the converted/extended structure.

The application is supported by a Planning Design and Access Statement; Structural Report; and, Preliminary Bat Report Assessment.

## Site Description

The site is part of a larger complex of farm buildings including the farmhouse, barns, stables and swimming pool building serving Roebuck Farm, Crowcombe. The site is accessed from a private track that passes under the West Somerset Railway through a bridged embankment. The railway and passing trains are visible from the site. The access track from the highway serving the site forks just beyond the sites western extremity. One fork of the track runs adjacent to the site, providing vehicular access to adjoining land to the east; whilst the other fork bridges a stream that runs parallel to the site and provides vehicular access to the above adjoining farmstead buildings to the north. The site is steeply banked on its southern side, and there is a mature hedgerow running the length of the bank screening the site from any views from the south. Similarly, a portion of the existing barn structure is set into the bank on its southern and part of its eastern sides. The site and immediate surroundings are set in a shallow valley bounded by gently rising ground either side to the north and south. A public footpath passes along the western part of the site and along the track under the bridge and through the railway embankment.

The concrete surfaced track provides access onto the public highway which is an unnamed 'C' Class Road and which forms part of a network of similar roads connecting the settlements of Stogumber, Lawford, Crowcombe, Higher & Lower Vexford, and Crowcombe Heathfield Station, and the A358 Taunton – Williton Road along Roebuck Gate Lane.

The site lies in the open countryside outside any settlement development limits.

## Relevant Planning History

3/07/11/010 – Retention of barn on site of existing, proposed 3 No. stables linked to existing – Approved – 30 June, 2011.

3/07/11/009 – Proposed horse arena – Approved – 30 June, 2011.

3/07/11/007 – Proposed swimming pool, changing room/cloak room and covered areas on site of existing ruins of outbuildings – Approved – 18 July, 2011.

3/07/96/007 – Use of land for parking 2 (Max) commercial vehicles, stationing of cattle container – Approved – 25 July, 1996.

## Consultation Responses

*Crowcombe Parish Council* - Four councillors and the clerk attended an informal meeting at Roebuck Farm on 27th February to view the site and discuss the plans with the agent and applicant.

Information gained from this meeting was discussed at the Parish Council meeting on 3rd March and the Parish Council unanimously agreed that it had no objection to the application as it was a good use of bringing back to life an unused building.

*Highways Development Control* - Standing Advice - The red line of the application site does not extend to the adopted public highway.

There is a footpath (WL 5/35) in close proximity to the proposal.

*Biodiversity and Landscaping Officer* -

This is a full application for the change of use and conversion of a barn to a holiday unit at Roebuck Farm, Crowcombe.

First Ecology carried out a Preliminary Bat Assessment of the barn in February 2016. Findings of the reports were as follows

Bats - The desk survey returned no records of bats within the site but revealed the presence of four species of bat (common pipistrelle, lesser horseshoe, serotine and barbastelle) within 5km radius of the site. The Exmoor and Quantocks SAC is also within 5 km of the site.

The site survey found no evidence of bat activity in the barn. Furthermore the barn exhibited no suitable roosting features for bats.

I suggest the following condition and notes

Condition: If the period of time between First Ecology's preliminary bat Roost Assessment, dated February 2016 and the commencement of development extends more than one year, then a further survey must be commissioned to ascertain any changes in the use of the site by protected species.

Reason: To ensure that the use of the site by protected species is monitored, bearing in mind that the results of this year's survey may change

*Rights of Way Protection Officer* - The Public Footpaths WL 5/7, WL 5/8 and WL 5/35 at Roebuck farm are not affected by the development proposals but, subject to planning consents being granted, adequate Health & Safety measures raising the public's awareness of any demolition / construction work / increased traffic movement should be put in place. The width of a public footpath must not be interfered with.

## **Representations Received**

No representations have been received.

## **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 the West Somerset planning area comprises the saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

### **West Somerset Local Plan (2006)**

The following Saved 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  
LC/3 Landscape Character  
NC/4 Species Protection  
W/5 Surface Water Run-Off  
A/1 Farm Diversification  
T/3 Transport Requirements of New Development  
PC/3 Noise Sensitive Developments Pollution

Saved Policy H/6: Conversion to Residential of Holiday Accommodation Outside Settlements is of direct relevance to this proposal. It reads:

“POLICY H/6: Conversion to Residential or Holiday Accommodation Outside Settlements

The Local Planning Authority will permit the conversion or change of use of existing buildings outside designated settlements to holiday accommodation or permanent residential use provided that:-

- i) The applicant can demonstrate that every reasonable attempt has been made to secure a business use of the building.
- ii) The proposal does not adversely affect the character of the surrounding countryside, residential amenities or nature conservation interests.
- iii) The site has satisfactory accessibility and adequate space of parking and associated activities.
- iv) The proposal does not involve substantial building, reconstruction or extension.

v) Any alterations respect the scale and form of any special features of the existing building.”

## **Emerging West Somerset Local Plan (2015)**

The following Policies are considered relevant to this application:

SD1 Presumption in favour of Sustainable Development  
SC1 Hierarchy of Settlements  
OC1 Open Countryside Development  
EC9 Tourism Outside Settlements  
EC11 Agriculture  
CC2 Flood Risk Management  
NH2 Landscape Character Protection  
NH10 Securing High Standards of Design

## **National Policy**

The National Planning Policy Framework (March 2012) is a material planning consideration. Particularly the advice contained in Sections:

3. Supporting a prosperous rural economy; and,  
7. Requiring good design.

## **Determining issues and considerations**

The following issues are considered to be of relevance in determining this application:

- Principle of development
- Design and visual impact, and impact on the character of the area
- Residential amenity
- Highway safety
- Flood risk and drainage
- Protected Species

## **Principle of development**

The site lies in the open countryside outside any defined settlement boundary. Its lawful use is for agricultural purposes. The full application proposes the extension and change of use of the remnants of the former stone-built barn – effectively, a ruin - to form a three bed holiday let plus the erection of an open-sided refuse/log store, that would be open to the courtyard side of the development. This effectively involves the complete rebuilding and extension of the former stone built barn.

In respect of Saved Policies in the West Somerset District Local Plan (2006), Saved Policy SP/5 Development Outside Defined Settlements provides guidance on the control of development outside settlement development limits.

Saved "Policy SP/5 Development Outside Defined Settlements", reads:

"In the countryside areas outside of settlement development limits, development will only be permitted where it both benefits economic or social activity without leading to a significant increase in car travel and maintains or enhances environmental quality and accords with other policies of the West Somerset District Local Plan."

In respect of the emerging West Somerset Local Plan, Policy SC1 (4) makes similar provisions to and Saved Policy SP/5 contained in the Adopted Local Plan.

Policy SC1 (4), reads:

"4. Development in the open countryside will be limited to that for which there is an established long-term need and for which such a and the location is essential, including agriculture, forestry, horticulture, equine and, hunting development in such locations will also need to demonstrate good proximity and easy accessibility to the existing highway network, or alternative transport modes, and settlements providing essential services and facilities."

Officers consider that the proposed change of use of the site from agricultural land to the use of the land for a holiday let use and the conversion/extension of the barn and the erection of the garage would be contrary to the provisions of Saved Local Plan Policy SP/5; and, Emerging Local Plan Policy SC1 (4) which seeks to restrict residential development in the countryside to that associated with an established need for Local agriculture, horticulture and forestry.

Two further considerations apply in deciding this proposal.

First, no evidence of the demand for holiday accommodation in the area has been provided as part of the application. In this case, the proposal is tantamount to a new dwelling in the countryside which is contrary to the provisions of Saved Local Plan Policy H/6 and Emerging Local Plan Policy SC1 (4).

Second, the nature and scale of the proposed development dictates the requirement for what would effectively be a completely new structure -. Whilst the Structural Engineers Report advises that the side walls of the former barn could be re-used, it acknowledges that the foundations have not been inspected. The three remaining side walls may be able to support a new roof structure and could contain the kitchen/living area to serve the development, however, the remaining portion of the development is all new build. The increase in floor area is 4 times that of the barn structure. Therefore, the rebuilding of the existing barn, plus the addition of extensions to enable it to provide holiday accommodation, in this open countryside location is contrary to the provisions of both Saved Local Plan Policy H/6, and Emerging Local Plan Policy SC1 (4). Also, the proposed holiday let use runs counter to the principle of development in the open countryside. It is appreciated that such a use would assist in the running of the applicants farm as part of a farm

diversification programme, and is likely to provide some benefit to the local economy thus improving the overall viability of the applicants agricultural holding. However, the extensions would add to the scale of the overall development, and be the dominant feature, and as advised above, Officers consider this to be unacceptable. The proposed development would have an adverse impact on the character of the countryside which would be contrary to the provisions of both Saved Local Plan Policy SC1 and Policy SC5.

Further implications are that the proposal would be contrary to the provisions of Saved Local Plan Policy H6 in that:

- The applicant has not demonstrated that every reasonable attempt has been made to secure a business use of the building, contrary to H/6, Part i)
- The proposal involves substantial building, reconstruction or extension. contrary to H/6, Part iv)
- Any alterations respect the scale and form of any special features of the existing building. contrary to H/6, Part v

Officers consider that the proposal does not adequately demonstrate that there is either a requirement or an established long-term need for holiday let accommodation in this locality, or that the proposal will benefit social or economic activity albeit it is unlikely to lead to a significant increase in car travel to and from the site. In this respect, it is considered that the principle of the proposed development is unacceptable in respect of the combined provisions of Saved Local Plan Policies H/6, SP/5; and, Emerging Local Plan Policy SC1 (4).

### **Design and visual impact and impact on the character of the area**

Saved Local Plan Policy LC/3 Landscape Character advises:

LC/3 Landscape Character

“Where development is permitted outside development limits, particular attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development, which does not respect the character of the local landscape will not be permitted.”

The site is a level site cut into rising ground on its south side. It is served by a concrete surfaced access drive that also serves the Roebuck Farm, farmhouse and farm buildings. The proposal consists of extensive alterations and extensions to the remnants of the existing barn to form a holiday let unit,

The siting and physical extent of the barn, and its barnyard wall on the south side, are fixed. On its own, the barn cannot be converted to provide a viable and habitable unit of holiday accommodation without the significant extensions and alterations to it proposed. The size and scale of the proposed extensions and alterations, would result in a significant amount of built development, (4 times the size and scale of the present barn remnant) which Officers consider would have an overall adverse impact on the character of the site and surroundings.

Saved Local Plan Policies BD/1 and BD/2 provide the following Advice in respect of local distinctiveness and the design of new development:

#### POLICY BD/1: Local Distinctiveness

New development will only be permitted which is sympathetic to the scale and layout of existing buildings and spaces within a distinct neighbourhood or street or in the countryside which respect local land form, field patterns and tree and hedgerow cover.

#### POLICY BD/2: Design of New Development

Proposals for new development should respect the scale and character of their surroundings. Planning applications for new buildings will only be permitted where:

- i) The siting of the building(s) has regard to its relationship with adjoining buildings and open spaces.
- ii) The building materials and detailing are appropriate to the area and sympathetic to adjoining buildings.
- iii) The design of the building(s) is in scale and harmony with adjoining buildings and the area as a whole.
- iv) Walls, fences and outbuildings are appropriate to the area and will respect the character predominating in the locality.
- v) The siting and design of the building(s) - together with walls and fences are determined having regard to the interests of crime prevention.
- vi) Hard and soft landscaping (as appropriate) forms an integral part of the development - including the retention of existing trees and hedgerows where their removal would significantly harm the character of the area.

The proposed materials for the works to the barn are reflective of the existing structure (stone, slate and painted timber), and reflect traditional materials which are suited to this open countryside location for the holiday let unit. However, as previously advised, Officers consider that the nature and scale of the development will detract from the rural setting of the area and will, overall, result in a domestic appearance to this site in the countryside which will have a harmful visual impact on the rural character of the site and surroundings. The proposed development is, therefore, contrary to the provisions of Saved Policies H/6, LC/3, BD/1 and BD/2 in the West Somerset District Local Plan (2006); and, to the provisions of Policies NH2 Landscape Character Protection; and, NH10 Securing High Standards of Design, contained in the Emerging West Somerset Local Plan (2015).

#### **Residential amenity**

There are no neighbouring dwellings close to or visible from the site.

In respect of the impact on the residential amenities enjoyed by occupants of any neighbouring dwellings, no adverse impacts would arise. In this regard, the proposed development accords with the provisions of Saved Policy BD/2 Design of New Development in the West Somerset District Local Plan (2006); and, the provisions of Policy, NH10 Securing High Standards of Design, contained in the Emerging West Somerset Local Plan (2015).

## **Highway safety**

Somerset County Council – Highways has advised that Standing Advice applies in this case. Standing Advice covers development proposals including new single (or a pair of) dwellings. A lengthy, private access track presently serves the farmstead and farm dwelling at Roebuck Farm linking them from the public highway to which runs some distance to the south of the site. In this location, the Public Highway is a single track road running through woodland, varying in elevation and with numerous bends - all of which realistically limit vehicle speeds to approximately 25-35mph in the vicinity of the access onto the highway – this is despite being subject to the National Speed Limit of 60 mph. The applicant controls the land on either side of the access track with the public highway and the Council's site visit indicated that there was adequate provision in respect of visibility either side of the access at its junction with public highway notwithstanding its restricted width; the very low level of vehicle movements on the public Highway; and, the low level of traffic that is likely to be generated by the holiday let accommodation use proposed.

Overall, the proposal is considered to be acceptable in terms of highway and pedestrian safety and accords with the provisions of Saved Local Plan Policy T/3: Transport Requirements of New Developments.

## **Flood risk and drainage**

The site lies in Flood Risk Zone 1 - Lowest Risk. It is noted from the Design and Access statement and a visit to the Environment Agency's website that the site adjoins an area of land located within Flood Risk Zone 3, where the stream runs by the site to the north and under the farm track. In flood risk terms the proposed development is considered to be acceptable as it should not lead to any risk of flooding from the development of the site or further downstream as it would not displace any flood storage space within a recognised floodplain.

Any foul water drainage would be accommodated separately. In terms of flood risk and drainage arrangements the proposal is considered to accord with the provisions of Saved Local Plan Policy W/5: Surface Water Run-Off; and, Emerging Local Plan Policy CC2: Flood Risk Management.

## **Protected Species**

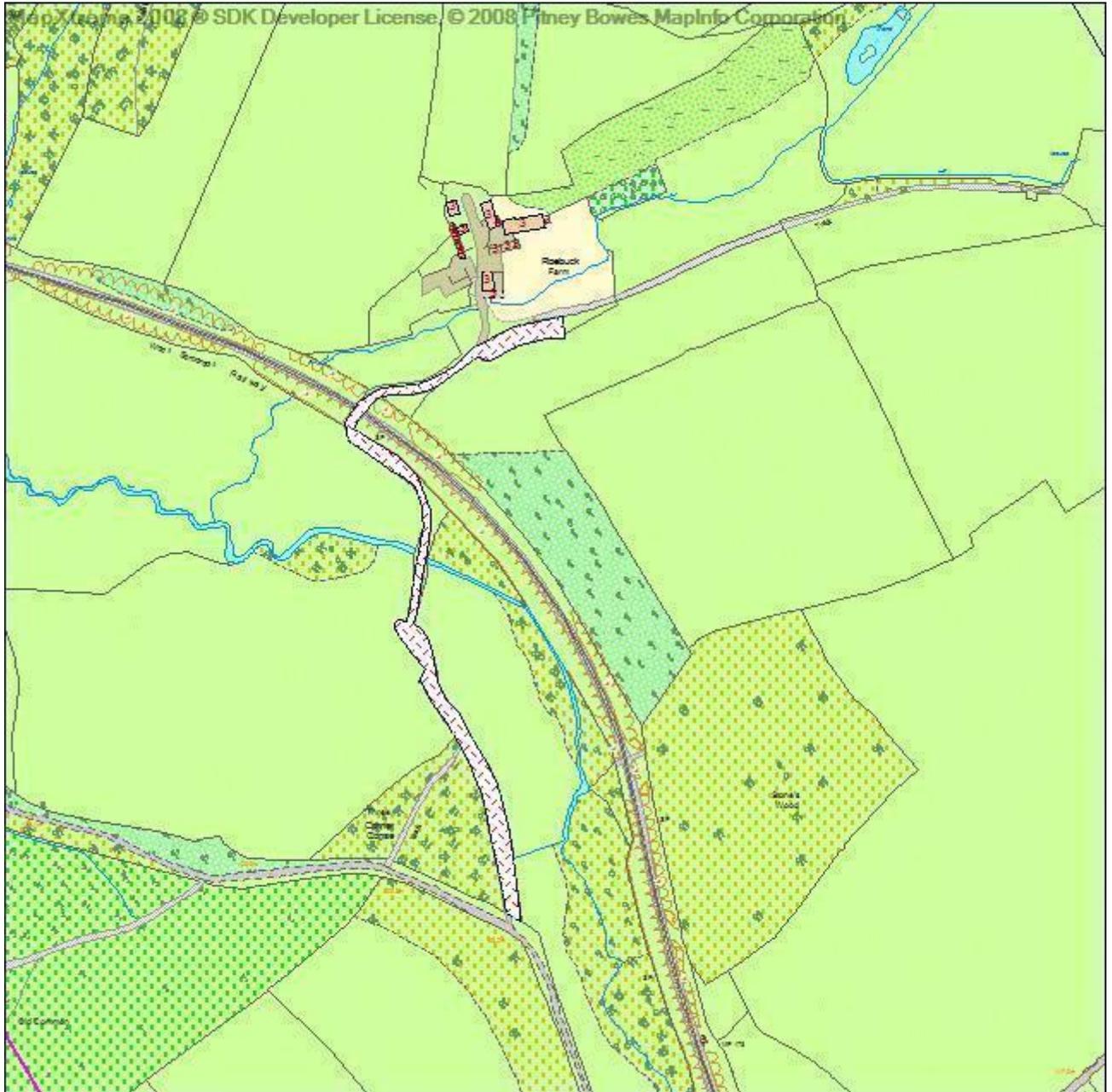
The Ecological Appraisal comprising a Preliminary Bat Roost Assessment prepared by First Ecology Services dated February, 2016, in support of the application is acceptable in respect of its scope, findings and proposed programme of mitigation arising from the development. In the event of any approval, the proposed programme of mitigation can be conditioned as advised by the Council's Landscape and Biodiversity Officer.

## **Conclusion**

The proposed development is unacceptable in principle because the proposal does not adequately demonstrate that there is a requirement or an established long-term need for holiday let accommodation in this locality, and it has not been adequately justified as an exception to the Council's normal policy for development in the countryside. It involves works to a building which is not capable of being re-used as a holiday let unit without significant alterations and extensions – the scale of which would result in a building that covers more than four times the footprint of the existing structure. As such, there is no justification for this development as an exception to the Councils' adopted and emerging Local Plan Policies. The application should be refused.

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

**Contact Officer: Hamish Laird**



Application No 3/07/16/001  
Change of use and conversion of  
barn to holiday unit  
Roebuck Farm, Crowcombe,  
TA4 4BN  
8 February 2016

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: 313053    Northing: 136050    Scale: 1:3500





<b>Application No:</b>	<a href="#">T/37/16/001</a>
<b>Parish</b>	Watchet
<b>Application Type</b>	Tree Preservation Order - works related
<b>Case Officer:</b>	David Galley
<b>Grid Ref</b>	Easting: 306565    Northing: 142721
<b>Applicant</b>	Mr Hutchings
<b>Proposal</b>	Reduce Beech (A) by 20%, fell Beech (B) and fell Field Maple (A)
<b>Location</b>	51 Brendon Road, Watchet, TA23 0AX
<b>Reason for referral to Committee</b>	<b>The recommendation is contrary to the views of the Parish Council</b>

## Recommendation

Recommended decision: Split Decision

### Reasons for refusal:

**Field Maple tree** - the felling of this tree is **refused**.

Reason: No evidence has been submitted to support the suggestion that the tree is dangerous. The tree is well-established and has amenity value.

Reduce Beech (A) by 20%, fell Beech (B) is **approved**

The felling of beech tree 'B' is considered to be acceptable due to its small size, twin-stemmed structure and low amenity value. A suitable replacement tree will be secured through a condition.

The crown reduction of beech tree 'A' is considered to be acceptable due its size, location, potential structural defects and the fact that the works would be in accordance with the recommendations in BS3998.

### Informative notes to applicant

- 1 WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds

before work begins.

**BATS.** The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

## **Proposal**

To fell one maple tree and one beech tree included in the Tree Preservation Order, and to carry out management works to one beech tree.

## **Site Description**

The trees are adjacent to the eastern boundary of the site. The beech trees are adjacent to the entrance area. The site is currently the subject of a planning application for development, 3/37/16/008. The existing house is currently being renovated.

## **Relevant Planning History**

This application is one of two applications for tree works that were made simultaneously, the other being T/37/16/002. An application to develop the site has recently been received, 3/37/16/008.

## **Consultation Responses**

*Watchet Town Council* - In support of the pruning of the large beech tree 'A', but objects to the removal of the maple and the small beech tree 'B', on the grounds that they have amenity value.

## Representations Received

Watchet Conservation Society - Objects to the felling of the maple tree and beech 'B', but supports the pruning of beech 'A'.

Councillor Murphy objects to the proposed works on the grounds that the removal of the trees would change the view on the approach to Watchet on Brendon Road for the worse

## Determining issues and considerations

The issue with this application is whether the proposed works are justified and in accordance with good arboriculture.

### Beech tree 'A'

This is a large, mature specimen growing in a prominent location close to the entrance to the property and overhanging the road and neighbouring property. It appears to be in good health. Structurally, there is evidence in the main stem of some 'included unions' which could be considered potential weak points as the tree continues to grow. The principle of sympathetically reducing the size of this tree, and crown-raising it over the entrance drive, is considered to be justified and should not harm the amenity value of the tree if carried out in accordance with BS3998.

### Beech tree 'B'

This is a small, probably self-sown beech tree that is growing adjacent to the entrance area. It has grown with twin leaders, so does not have the best physical structure. Its small size means that it currently does not have significant amenity value, and it could be successfully replaced by a new specimen in a better location. It is therefore considered that the proposal to remove this tree is reasonable.

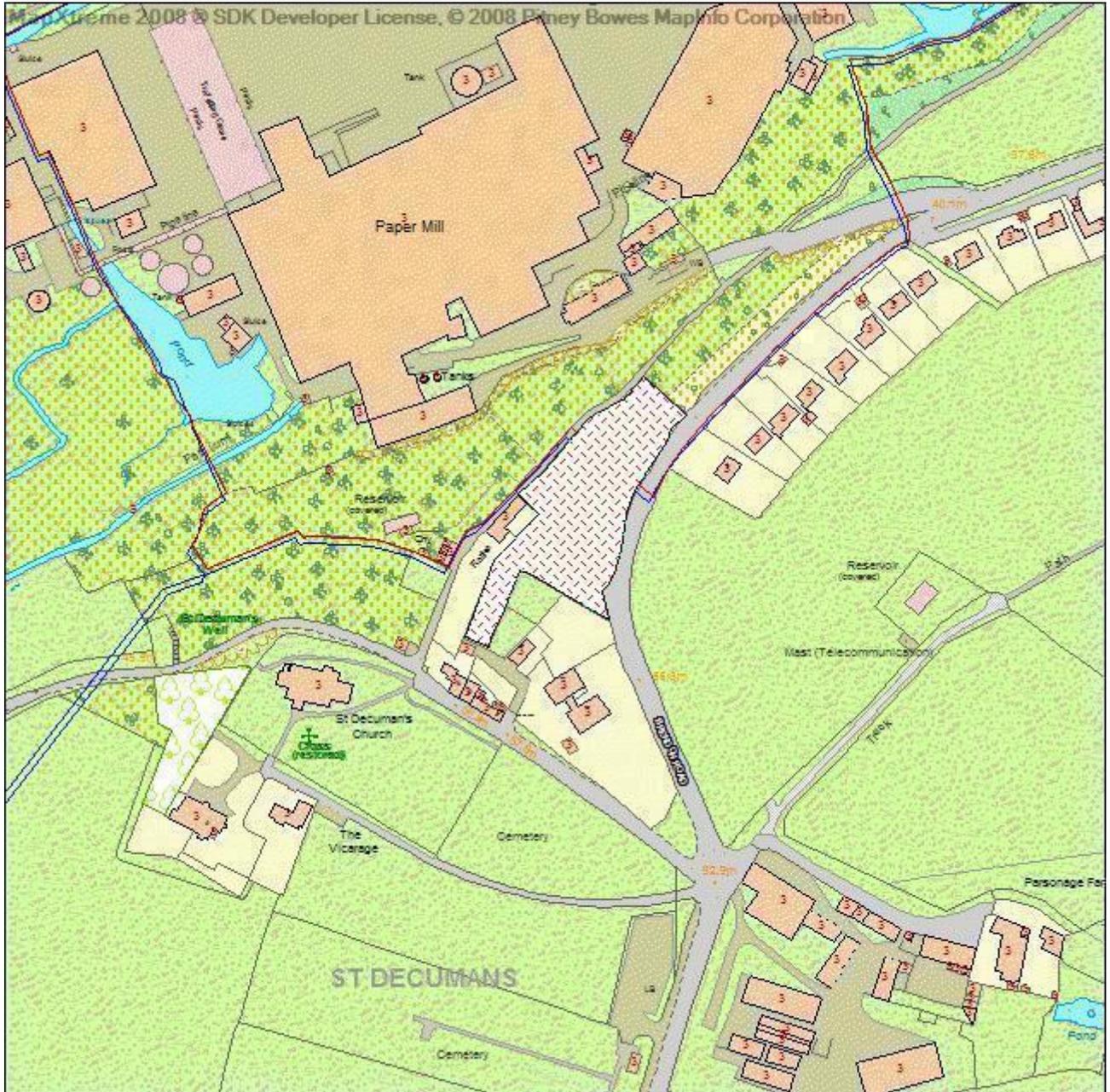
### Maple tree

This tree is on the boundary of the site and overhangs a neighbouring property. It appears to be healthy, and no evidence has been submitted to the contrary. The fact that it is close to the fence does not automatically mean that the tree should be considered to be dangerous. It has amenity value, and this will be potentially increased if planning permission is granted to develop the site. It is therefore considered that this tree should be retained.

## Conclusion

In view of the above, it is recommended that the council **refuses consent** for the felling of the maple tree, **grants consent** for the felling of beech 'B' on condition that it is replaced, and **grants consent** for the pruning of beech 'A'.

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



Application No T/37/16/001  
 Reduce Beech (A) by 20%, fell  
 Beech (B) and fell Field Maple  
 (A)  
 51 Brendon Road, Watchet,  
 TA23 0AX  
 28 January 2016  
 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: 306565    Northing: 142721    Scale: 1:2500



### Delegated Decision List

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/02/16/001	Land formerly part of Northcombe Farm, Brompton Ralph, Taunton, TA4 2SB	Erection of agricultural barn for the storage of hay and machinery	17 February 2016	Prior approval not required	<a href="#">SK</a>
3/05/15/017	Kingsbury, Main Road, Carhampton, Minehead, TA24 6LP	Erection of two storey side extension	03 March 2016	Grant	<a href="#">BM</a>
3/05/16/001	Elm Cottage, 1 high Street, Carhampton, Minehead, TA24 6ND	Demolition and replacement of existing timber framed pitched roof garage with proposed enlarged timber framed pitched roof garage clad in featheredge weatherboard on brick upstand.	07 March 2016	Grant	<a href="#">BM</a>
3/07/15/007	Barn 3, The Homestead, Flaxpool Hill, Crowcombe, TA4 4AW	Conversion of redundant barn to form a dwellinghouse (amended scheme to 3/07/09/006 for barn 3)	08 March 2016	Grant	<a href="#">HL</a>
3/18/15/016	Hillcrest, Kilve, Bridgwater, TA5 1EQ	Change of use of agricultural / equestrian land to residential and construction of new access and driveway to the attached property plus proposed parking spaces on the east of the site	15 February 2016	Grant	<a href="#">SW</a>
3/18/16/001	Putsham Farmhouse, Pardle	Removal of existing conservatory, replacing	22 February	Grant	<a href="#">EP</a>

stone Lane, Kilve, Bridgwater, TA5 1DZ with timber and double glazed garden room. (amendment to listed building consent 3/18/15/007) ry 2016

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/15/074	Former Aquasplash Site, Seaward Way, Minehead	Display of illuminated fascia sign	12 February 2016	Grant	<a href="#">JB</a>

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/15/092	Land at Ellicombe Meadow, Minehead	Variation of condition 2 on planning permission 3/21/15/034 to add a juliet balcony and minor fenestration details in relation to House Types K and K1	24 February 2016	Grant	<a href="#">BK</a>

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/15/100	Northfield Cottage, Northfield Road, Minehead, TA24 5QH	Change of use of guest accommodation (Class C1) and part of dwelling to three self-catering holiday lets (Class C3)	04 March 2016	Grant	<a href="#">JB</a>

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/15/116	53A Quay Street, Minehead, TA24 5UL	Erection of second floor extension	19 February 2016	Grant	<a href="#">EP</a>

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/15/117	53A, Quay Street, Minehead, TA24 5UL	Erection of second floor bathroom extension	19 February 2016	Grant	<a href="#">EP</a>

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/16/001	11 Manor Road, Alcombe, Minehead, TA24 6EH	Internal alterations including formation of WC and installation of vents	23 February 2016	Grant	<a href="#">EP</a>

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/16/002	7 Middle Street, Minehead, TA24 5JH	Retention of solar panels on rear single storey roof	11 February	Grant	<a href="#">EP</a>

2016

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/21/16/004	Flats 17 & 18, Metropole Court, The Esplanade, Minehead, TA24 5QR	Amalgamation of flats 17 and 18 to form one single flat and installation of replacement upvc sliding sash windows to existing flat 18 to match those in flat 17	18 February 2016	Grant	<a href="#">SK</a>
3/21/16/005	3A Park Street, Minehead, TA24 5NQ	Display of illuminated and non-illuminated signage (retrospective)	10 March 2016	Refuse	<a href="#">SW</a>
3/21/16/006	Land adacent to Porlock Road, Woodcombe, Minehead	Erection of a tubular steel framed polytunnel	09 March 2016	Grant	<a href="#">HL</a>
3/21/16/007	Woodcombe Farmhouse, Woodcombe Lane, Minehead, TA24 8SB	Replacement of late 20th century timber beam over fireplace with one of similar type and size to match that in the adjoining dining room. Installation of new slate hearth to cover and protect the currently exposed brick under-hearth.	22 February 2016	Grant	<a href="#">EP</a>
3/26/15/023	Abbey Mill House, Washford, Watchet, TA23 0PS	Restoration and erection of rear extensions including full structural repair and refurbishment, partial demolition and internal reconfiguration	19 February 2016	Grant	<a href="#">EP</a>
3/26/15/026	Orchard Brook, Washford, Watchet, TA23 0LD	Erection of barn for the storage of forage and machinery for agricultural and equestrian use	16 February 2016	Grant	<a href="#">HL</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/26/16/001	10A Quarry's End, Quarry Road, Washford, Old Cleeve, Watchet, TA23 0NR	Erection of two east facing dormer windows and erect a detached single garage.	22 February 2016	Grant	<a href="#">BM</a>
3/31/16/001	Capton Farm, Capton Lane, Stogumber, Taunton, TA4 4LX	Change of use of agricultural land and the erection of a 22 pen boarding cattery on unused farm land including two isolation pens, siting of skip, and three wormeries	11 March 2016	Grant	<a href="#">HL</a>
3/37/16/001	Land adjacent to 30/32 Kingsland, Watchet TA23 0UE	Erection of one residential dwelling with associated garden and car parking	29 February 2016	Grant	<a href="#">SK</a>
ABD/32/16/001	Upper Cock Farm, Stogursey, Bridgwater, TA5 1TS	Change of use of agricultural building to one dwellinghouse	14 March 2016	Prior approval required and given subject	<a href="#">HL</a>
C/01/15/002	Upcott Farm, Upcott Lane, Bicknoller, Somerset, TA4 4EY	Approval of details reserved by condition 3 (relating to landscaping details), condition 4 (relating to visibility splays at site entrance to Upcott Lane), condition 5 (relating to visibility splays at Upcott Lane to A358) in relation to planning permission 3/01/15/008	18 February 2016	Split Decision	<a href="#">SK</a>
C/01/16/001	Manor Farm, Woolston, Williton, TA4 4LN	Approval of details reserved by condition 2 (relating to sewage disposal and surface water drainage works)	02 March 2016	Grant	<a href="#">HL</a>

and condition 7 (relating to contamination assessment) in relation to planning permission ABD/01/15/001

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
C/05/15/003	Townsend Farm, Carhampton, Minehead, TA24 6NH	Approval of details reserved by conditions 3 (Materials), condition 5 (roof lights), condition 7 (measured photographic survey), condition 9 (reuse of ironmongery), condition 10 (removal and relocation of stalls within plot 26) and condition 11 (repair to stone columns to plot 33) in relation to Listed Building Consent 3/05/13/007	11 February 2016	Grant	<a href="#">EP</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
C/10/15/003	Higher Marsh Farm, Marsh Lane, Dunster Marsh, TA24 6PH	Approval of details reserved by condition 2 (relating to materials) and condition 3 (relating to landscaping) in relation to planning permission 3/10/15/001	26 February 2016	Grant	<a href="#">BK</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
C/21/15/007	Land at Ellicombe Meadow, Minehead	Approval of details reserved by condition 3 (relating to a hard and soft landscaping scheme), condition 4 (relating to infilling of gaps within hedgerows), condition 5 (relating to external materials and finishes), condition 6 (proposed boundary treatments), condition 8 (relating to a Construction Environmental Management Plan), condition 9 (relating to treatment of construction associated vehicles), condition 14 (relating to	24 February 2016	Grant	<a href="#">BK</a>

cycle storage), condition 17 (relating to a travel plan), condition 18 (relating to protection of hedgerows), condition 19 (relating to protection of pond and wooded area), condition 20 (relating to the long-term management of pond and wooded area), condition 21 (relating to mitigation of impact scheme on amphibians), condition 22 (relating to implementation of working practices for reptiles), condition 25 (relating to surface water drainage scheme), condition 26 (relating to maintenance of surface water drainage system), and condition 27 (relating to right of discharge for water) in relation to planning permission 3/21/15/034

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
C/21/16/001	Flat 1, Mount Royal, Weirfield Road, Minehead, TA24 5QF	Approval of details reserved by condition 2 (relating to window details) in relation to planning permission 3/21/15/109	11 March 2016	Grant	<a href="#">BM</a>
C/21/16/002	29A The Avenue, Minehead, TA24 5AY	Approval of details reserved by condition 4 (relating to the boundary treatment on the western boundary of the site) in relation to planning permission 3/21/15/072.	19 February 2016	Grant	<a href="#">HL</a>
C/33/16/001	St Nicholas Wayfarers Church, Elms Cross, Kilton, Somerset, TA5	Approval of details reserved by condition 4 (relating to a soft landscaping scheme)	18 February 2016	Grant	<a href="#">SW</a>

1ST in relation to planning permission 3/33/15/004.

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
C/39/15/005	Former Church Rooms and ATC Hut, Priest Street, Williton, Taunton, TA4 4NJ	Approval of details reserved by condition 7 (relating to parking/turning of vehicles), condition 8 (relating to tree protection), condition 10 (relating to retention and habitat for nesting birds) and condition 11 (relating to retention and accesses for bats) in relation to planning permission 3/39/15/005	15 February 2016	Grant	<a href="#">SK</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
CA/21/16/001	12 Ballfield Road, Minehead, TA24 5JL	Approximately 50% crown reduction of Beech tree	08 March 2016	Raise No Objection	<a href="#">DG</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
CA/21/16/003	St Michael the Archangel, Church Street, Alcombe, Minehead, TA24 6BL	Removal of growth of Beech tree overhanging neighbour's property	08 March 2016	Raise No Objection	<a href="#">DG</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
CA/31/16/001	Cridlands Steep, Vellow Road, Stogumber, Taunton, TA4 3TL	To fell four conifers	12 February 2016	Raise No Objection	<a href="#">DG</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
T/37/16/002	51 Brendon Road, Watchet, TA23 0AX	Fell Pine (A) or remove its lower branches and fell Pine (B)	08 March 2016	Refuse	<a href="#">DG</a>

---

## Appeal Decisions

Site visit made on 11 February 2016

by **B J Sims BSc(Hons) CEng MICE MRTPI**

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

Decision date: 18 February, 2016

---

### **Appeal A: APP/H3320/W/15/3134828**

#### **3 Sea View Terrace, Watchet, Somerset TA23 0DF**

- 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 Mrs Kath Morgan against the decision of West Somerset Council.
  - The application Ref 3/37/15/009, dated 11 May 2015, was refused by notice dated 26 June 2015.
  - The development proposed is described as: *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 car park area.*
- 

### **Appeal B: APP/H3320/W/15/3134827**

#### **3 Sea View Terrace, Watchet, Somerset TA23 0DF**

- 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 Mrs Kath Morgan against the decision of West Somerset Council.
  - The application Ref 3/37/15/003, dated 16 February 2015, was refused by notice dated 24 April 2015.
  - The development proposed is described as: *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 car park area.*
- 

### **Decision**

1. Appeal A is dismissed.
2. Appeal B is dismissed.

### **Application for costs**

3. An application for costs was made by Mrs Kath Morgan against West Somerset Council. This application is the subject of a separate Decision.

### **Procedural Matters**

4. The first proposal under application Ref 3/37/15/003 dated 16 February 2015 includes a double garage with vehicle access to Goviers Lane. The only difference between the two schemes now at appeal is that the proposal under application Ref 3/37/15/009 dated 11 May 2015 includes only a single garage. The Council treats the second proposal as a resubmission of the first and provides no appeal statement specific to the first, double garage scheme. The
-

Inspectorate accordingly regards the second appeal as the lead case, Appeal A. For convenience and clarity in these decisions, Appeal A refers to the later single garage scheme and Appeal B to the earlier double garage proposal, thus in effect reversing the nomenclature adopted by the Appellant.

5. Both appeals raise essentially the same planning issues and are therefore considered together in the appraisal below, but separate decisions are provided for each appeal.

### **Planning Issues**

6. Based upon consideration of all the written representations and observations of the appeal site, the proposed vehicle access via Goviers Lane and of the surrounding area, the main issues are:
  - 6.1 the degree to which the use of Goviers Lane by vehicles going to and from the proposed single or double garage would affect the safety and convenience of present users of the Lane,
  - 6.2 the effect the proposed development would have on the setting of nearby listed buildings within the adjacent Watchet Conservation Area (WCA), having regard to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990,
  - 6.3 the concerns of local residents regarding several aspects of their living conditions, and
  - 6.4 on balance, whether any adverse effect of either proposal is outweighed by planning benefits, in the light of the presumption of the National Planning Policy Framework (NPPF) in favour of sustainable development, particularly in relation to the current level of housing land supply.

### **Reasons**

#### *Goviers Lane*

7. Goviers Lane already provides access to garages at two properties but it is too narrow for cars to pass each other with ease and has no footways. The Lane is heavily used by pedestrians as, below the appeal site frontage, it links into an urban footpath offering an important safe pedestrian and cycle route into the centre of Watchet from the largely residential area to the east. As such, it is evidently much used by persons with limited mobility employing wheelchairs and mobility scooters, as well as many able-bodied walkers and cyclists. Although only providing access to two properties, the Lane is also evidently used frequently by goods delivery vehicles and cars or taxis dropping off or collecting passengers. It is clear that these are likely to block the Lane completely. Moreover, there is no turning head and reversing manoeuvres by visiting vehicles are likely to be frequent throughout the length of the Lane.
8. The proposed single or double garage would form the last frontage vehicle entrance before the Lane joins the footpath, such there would be no passing vehicle traffic. At this point the Lane is at its widest and the garage doors would be set back to provide off-street parking or manoeuvring space. It is therefore accepted that the development itself would cause no direct obstruction to passing pedestrians, cycles or wheelchairs. Even so, the vision splays available at the garage entrance would be sub-standard.

9. The Lane is quite straight, affording good forward visibility, and there is no direct evidence of conflict between pedestrians and vehicles associated with the existing garages fronting Goviers Lane. Nevertheless, in the circumstances, the addition of even a single garage with access from Goviers Lane would be unacceptable, due to the increased potential for dangerous conflict between vehicles pedestrians, cyclists or those using wheelchairs.
10. For this reason, both appeal proposals would fail to minimise the risk of accidents due to conflict between traffic and pedestrians in line with saved Policy T/3 of the West Somerset District Local Plan and paragraph 35 of the National Planning Policy Framework (NPPF). Moreover, in terms of paragraph 32 of the NPPF, concerning sustainable transport, the potential cumulative impacts of either proposed dwelling are justifiably to be regarded as severe, warranting prevention of the development.

#### *Conservation Area and Listed Buildings*

11. The listed Sea View Terrace is situated within the edge of the WCA, just north of the appeal site. The appeal site lies outside the WCA but forms part of the curtilage of No 3 Sea View Terrace. The proposed house would stand toward the far side of the appeal site from the Terrace and would be visually separated from the host property. The house has been carefully designed, at a scale and in materials to complement its surroundings, such that harm to the settings of the listed buildings within the WCA and the WCA itself would be avoided.
12. Accordingly, aside from the inclusion of the garages fronting Goviers Lane, there is no objection to the principle or intrinsic design of either development or to the demolition works proposed.

#### *Living Conditions and Other Matters*

13. There is well expressed local concern that the proposed dwellings would adversely affect living conditions at dwellings surrounding the appeal site. In particular, the occupiers of Almyr House and Almyr Terrace south east of the site, and of High Bank across Goviers Lane to the north east, all consider that the proposed development would harm their privacy, natural light and outlook.
14. Due to the proximity and relative prominence of the proposed house, these concerns are understandable. However, there is no substantive evidence that the house would be so close to other dwellings as to have an unacceptable impact on their light or privacy, given the already developed character of the area. Whilst the development would be prominent in the outlook from Almyr House especially, loss of view is not itself a planning consideration. As a result there is no objection to either appeal with respect to living conditions.
15. Equally, there is no substantive evidence that either development would harm ecology or fail to provide appropriate off-street car parking space.

#### *Overall Planning Balance and Conclusions*

16. The Appellant disputes a claim by the Council that it is able to demonstrate a five year housing land supply (5YHLS) but no detailed evidence is provided by either party in this connection. Strictly for the purpose of determining these appeals, it is appropriate to give the benefit of doubt in this matter to the Appellant. Thereby, in the absence of a 5YHLS and under NPPF paragraph 49, the appeals fall to be determined with respect to the presumption in favour of

sustainable development in its economic social, and environmental roles, as set out in NPPF paragraphs 7 and 14.

17. Notwithstanding compliance with a range of adopted and emerging policies governing the location and design of new housing development, the substantial objection to even a single garage with direct access to Goviers Lane alone renders both proposals unsustainable and warrants dismissal of both appeals in the absence of other material considerations in their favour. Any socio-economic benefit of an additional dwelling on the site, contributing to district housing supply, would be significantly and demonstrably outweighed by the environmental harm due to increased danger to pedestrian and vehicle safety. Therefore, despite the recommendations of Council and highway authority officers in favour of the proposed developments, on this fresh appraisal of all aspects of the matter, both Appeal A and Appeal B are dismissed.

*B J Sims*

Inspector



## Appeal Decision

Site visit made on 11 February 2016

**by B J Sims BSc(Hons) CEng MICE MRTPI**

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

**Decision date: 17 February 2016**

---

**Appeal Ref: APP/H3320/W/15/3138191**

**18 Bridge Street, Williton, Taunton, Somerset TA4 4NR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Richard Morgan against the decision of West Somerset Council.
  - The application Ref 3/39/15/011, dated 24 July 2015, was refused by notice dated 21 September 2015.
  - The application sought planning permission for development described as *Proposed change of use of existing cottage within boundary of 18 Bridge Street, to establish a separate dwelling to be offered for rental*, without complying with conditions attached to planning permission Ref 3/39/11/046, dated 8 March 2012.
  - The conditions in dispute are Nos 3 and 4 which state:
    - 3 *The single garage space (P1) and area allocated for parking in front (P2) shown on the submitted plan, drawing no. 05 (New Revision – Feb 2012) shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the dwelling hereby permitted.*
    - 4 *The area allocated for turning, shown hatched red on the submitted plan, drawing no. 05 (New Revision – Feb 2012) shall be kept clear of obstruction at all times and shall not be used other than for the turning of vehicles in connection with the dwelling hereby permitted and 18 Bridge Street.*
  - The reasons given for the conditions are:
    - 3 *To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety having regard to the provisions of Policy T/8 of the West Somerset District Local Plan (2006).*
    - 4 *To ensure that sufficient provision is made for turning of vehicles in the interests of highway safety having regard to the provisions of Policy T/8 of the West Somerset District Local Plan (2006).*
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Richard Morgan against West Somerset Council. This application is the subject of a separate Decision.

### Main Issue

3. The main issue in the appeal is whether the disputed conditions are relevant to the development permitted and necessary in the interests of highway safety.
-

## Reasons

4. The Appellant argues that the disputed conditions are not relevant to the development. This is on grounds that the cottage subject to permission Ref 3/39/11/046 is a holiday let, for which the off-street parking provision, as required by saved Policy T/8 of the West Somerset District Local Plan, is a single space, whereas Condition 3 requires two spaces in addition to the turning area shared with 18 Bridge Street. However, there is nothing in the development description or conditions of permission Ref 3/39/11/046 to define or restrict the property as a holiday let and it is described simply as a separate dwelling for rental. It is accordingly appropriate, for the purposes of this decision, to regard the appeal cottage as a dwelling in permanent residential use, for which the off-street parking requirement is two spaces. The conditions in dispute are thus relevant to the development permitted.
5. The shared turning area required by Condition 4 to be kept free of obstruction is currently occupied, in part, by a single car parking space beside the appeal cottage. This has been created by the removal of a section of the front boundary wall and the erection of a new wall to enclose the space for use in connection with the cottage. The Council considers these works to be unlawful, in conflict with the use of the land specifically identified as a turning area and visually harmful to local character. On the other hand, the Appellant contends that a new access onto Bridge Street, as an unclassified road, does not require planning permission. However, these matters are beyond the scope of this decision because the present appeal is related strictly to the two conditions in dispute. For the purpose of this decision therefore, the presence of the parking space facing the road at the side of the cottage is to be disregarded.
6. If the cottage were allowed to continue in use as a permanent residence without compliance with Conditions 3 and 4, both the cottage and 18 Bridge Street would lose the shared turning area. Moreover, the cottage would, in effect, be deprived of its required two parking spaces P1 and P2. This would potentially give rise to on-street parking on Bridge Street as well as reversing manoeuvres in and out of the vehicle entrance.
7. Bridge Street has no footways in the vicinity of the appeal frontage, which is located on the inside of a bend, and the appeal site entrance has limited visibility for drivers of emerging vehicles. In these circumstances, on-street parking arising from new development, including the permitted change of use, would clearly pose an actual risk to highway safety because it has the potential to cause obstruction to the free flow of traffic and conflict with passing vehicles and pedestrians. Although there are no recorded accidents on Bridge Street, neither is there evidence of any material consideration in this case to justify setting aside the car parking requirements of Policy T/8.
8. In terms of the provisions of the National Planning Policy Framework on sustainable transport, cited by the Appellant, the adverse impact of the development could, as matter of judgement, become severe in the absence of conditions 3 and 4 to ensure appropriate off-street parking and turning facilities.

9. In conclusion therefore, Conditions 3 and 4 are both relevant to the development and necessary in the interests of highway safety. The appeal is accordingly dismissed.

*B J Sims*

Inspector

---

## Appeal Decision

Site visit made on 1 February 2016

**by Rory Cridland LLB (Hons)**

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

**Decision date: 15 March 2016**

---

**Appeal Ref: APP/H3320/W/15/3134725**  
**Shell's Cottage, Washford, Watchet, TA23 0PU**

- 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 Lloyd Morgan against the decision of West Somerset Council.
  - The application Ref 3/39/15/009, dated 19 June 2015, was refused by notice dated 17 August 2015.
  - The development proposed is the erection of 3no. holiday units.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The Council has cited Policies OC1 and NH2 of the emerging Local Plan in its reasons for refusal. However, I note that this is currently under examination and I have been provided with no information regarding the number of outstanding objections in respect of these policies. Accordingly, I have attached them limited weight.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding countryside.

### Reasons

4. The appeal site is located to the east of Shells Holiday cottage, south of the A39. It is situated on a triangular, elevated area of open grassland and is bounded by low hedges to the east and mature trees to the south. Shells Cottage and the associated holiday accommodation is situated to the west and is well screened by mature trees. The northern boundary of the site is mostly open providing clear views of the site from the main road.
5. Saved Policy SP/5 of the West Somerset Local Plan<sup>1</sup> restricts development outside settlements except where it benefits economic activity and maintains or enhances environmental quality. Similarly, Policy LC/3 seeks to ensure that particular attention is paid to the scenic quality and distinctive local character of the landscape.

---

<sup>1</sup> Adopted 2006

---

6. Although the Local Plan was adopted prior to the publication of the National Planning Policy Framework ("NPPF"), I concur with the conclusions of the Inspector in the previous appeal on this site<sup>2</sup> that the Local Plan policies are essentially consistent with the NPPF approach. Likewise, I agree that the correct approach is to address the character and appearance of the countryside in a balanced way, which also considers the economic and social benefits of the proposal.
7. The proposal would result in a substantial area being developed, with two units set along the southern boundary and a third to the east, together with associated parking. In seeking to overcome the objections to the previously dismissed appeal, the appellant has reduced the height, scale and mass of the two southern units so that they are now viewed in the context of the existing mature tree line along that boundary. Although the shallower roof pitch and altered rotation further reduce their impact when viewed from the east, from the north they would still appear as a prominent addition to the surrounding area. The sloping ground of the appeal site would give them greater prominence, increasing both their impact and their visibility.
8. While I note the additional planting proposed by the appellant, particularly along the North West boundary, this would take some years to establish and, in the meantime, the proposed units would be highly visible from the A39. They would significantly detract from the existing sense of openness currently evident. Similarly, although constructed of materials which appear more agricultural than residential, their prominence in the landscape would be in stark contrast to, and would fail to assimilate with, the surrounding countryside. The cumulative effect of this would be materially harmful to the character and appearance of the surrounding area.
9. While I note the new roundabout and associated lighting on the nearby A39, this does not materially alter the character of the surrounding countryside. Similarly, the nearby masts and buildings at Tropiquaria, while alien features in the surrounding landscape, do not significantly detract from its open and undeveloped character nor do the overhead power lines which are a familiar feature in many countryside locations. I do not therefore regard them as having altered the character and appearance of the surrounding area to the extent necessary to justify the granting of planning permission.
10. In considering the economic and social benefits of the proposal, there are clearly potential gains in terms of tourism. The appellant has argued that it would provide for excess demand and would provide 5-star accommodation which caters for disabled users. Nevertheless, I find the benefits which would result from the proposed scheme as modest. When compared against the significant impact on the character and appearance of the countryside which would result from the proposal, they are insufficient to overcome the resultant harm.
11. Consequently, I find the proposal contrary to Policies SP/5 and LC/3 of the Retained West Somerset Local Plan, which, taken together, seek to ensure that development outside settlements respects scenic quality and distinctive local character of the landscape, benefits economic activity and maintains or enhances environmental quality.

---

<sup>2</sup> APP/H3320/A/14/2228973

**Conclusion**

12. For the reasons set out above, and having taken all other matters into account, I conclude that the appeal should be dismissed.

*Rory Cridland*

INSPECTOR

*Report Number*

## **West Somerset Council**

### **Planning Committee 24<sup>th</sup> March 2016**

#### **Technical consultation on Planning changes in Housing and Planning Bill**

**This matter is the responsibility of Cabinet Members Dewdney and Turner**

**Report Author : Tim Burton Assistant Director Planning and Environment**

#### **1 Executive Summary / Purpose of the Report**

**The purpose of this report is to set out the principal changes set out in the government's technical consultation on the implementation of planning changes within the Housing and Planning Bill and to seek Member's views in order to inform the Council's response.**

#### **2 Recommendations**

**It is recommended that Members note the contents of this report and delegate responsibility for the submission of the Council's response to the Assistant Director Planning and Environment taking into account any views expressed at the meeting.**

#### **3 Background and Full details of the Report**

3.1 The Department for Communities issued a technical consultation on various aspects of the proposals contained within the Housing and Planning Bill on 17<sup>th</sup> February 2016. The consultation seeks views on the proposed approach to implementing the planning provisions in the Housing and Planning Bill, and some other planning measures. It covers the following areas:

- Changes to planning application fees
- Permission in principle
- Brownfield register
- Small sites register
- Neighbourhood planning
- Local plans
- Expanding the planning performance regime
- Testing competition in the processing of planning applications
- Information about financial benefits
- Section 106 dispute resolution
- Permitted development rights for state-funded schools
- Changes to statutory consultation on planning applications

The consultation also sets out a number of questions, the more significant of which are set out in this report with suggested responses.

The full document can be found at:

<https://www.gov.uk/government/consultations/implementation-of-planning-changes-technical-consultation>

### 3.2 Changes to planning application fees

The Government are proposing that national planning fees are increased. The national fee schedule would be revised in line with the rate of inflation since the last increase in 2012 and to make future adjustments on an annual basis. However, these changes in fees would go hand-in-hand with the provision of an effective service. Consequently, the proposal is that any increase in national fees would apply only to those authorities that are performing well. One approach would be to not apply an increase where an authority is designated as underperforming in its handling of applications for major development (or, in future, applications for non-major development or limiting increases to those authorities that are in the top 75% of performance for both the speed and quality of decision making).

*Question: Do you agree with our proposal to adjust planning fees in line with inflation, but only in areas where the local planning authority is performing well? If not what alternative would you suggest?*

*Planning fees should reflect the full cost of delivering the service. A simple inflation increase will not achieve this. It is agreed that measures should be put in place to incentivise efficiency, but I question the validity of taking further income away from authorities that are already struggling to deliver important services.*

*Question: Do you agree that national fee changes should not apply where a local planning authority is designated as under-performing, or would you propose an alternative means of linking fees to performance? And should there be a delay before any change of this type is applied?*

*There should be a delay if this is to be put into place, which in itself will act as an incentive for service improvement. West Somerset Council believes that the inflation linked rise should be available to all Councils, but does not object to some form of capping to encourage high performance.*

The consultation suggests that applicants should be provided with the choice of a fast-track service (or services) in return for a proportionate fee. It also goes on to suggest that clauses in the Housing and Planning Bill will, if enacted, allow competition to be trialled in specific areas, with applicants having the choice of applying to the local planning authority or one of a range of approved providers (which could be other planning authorities). The final sign-off for decisions would remain with the local planning authority. A competitive market for processing applications would require the ability for providers – including the local planning authority – to set their own fees and service standards

*Question: Do you agree that additional flexibility over planning application fees should be allowed through deals, in return for higher standards of service or radical proposals for reform?*

*The ability to negotiate a fee attached to an enhanced service is to be welcomed and to a degree will be regularising what is already happening through PPAs. However, this does not necessarily have to be linked to fundamental reform*

This report deals with the issue of competition in more detail in section 3.9.

### 3.3 Permission in Principle

The Housing and Planning Bill, currently being considered by Parliament, introduces a new 'permission in principle' route for obtaining planning permission. This is designed to separate decision making on 'in principle' issues (such as land use, location and amount of development) from matters of technical detail (such as what the buildings will look like). The Bill provides for permission in principle to be granted on sites in plans and registers, and for minor sites on application to the local planning authority.

The Bill sets the overarching framework for permission in principle to be granted in two ways:

- on allocation in a locally supported qualifying document that identifies sites as having permission in principle; and,
- on application to the local planning authority.

The primary decisions about when to grant permission in principle will be locally driven, taking account of national and local policy. Permission in principle must be followed by an application for technical details consent to agree the details of the scheme before the applicant obtains full planning permission and can start work on site.

The Bill also makes provision for permission in principle to be granted following an application made to the local planning authority. An application can be used to establish the acceptability of the 'core in principle' matters for a particular site and a grant of permission in principle will have the same effect as described above. Applications for permission in principle will require less information upfront than an outline application, as the consent authorising the development (i.e. the planning permission subject to any conditions) is not secured until technical details consent is obtained.

*Question Do you agree that the following should be qualifying documents capable of granting permission in principle? a) future local plans; b) future neighbourhood plans; c) brownfield registers.*

*Yes, although the resource implications from the loss of planning fee income needs to be recognised.*

*Question Do you agree that location, uses and amount of residential development should constitute 'in principle matters' that must be included in a permission in principle? Do you think any other matter should be included? The requirements for affordable housing is a matter that needs to be determined at the earliest opportunity and therefore needs to be determined as part of the in-principle decision. On mixed use schemes, the amount of other uses should be specified rather than just housing eg. Retail or employment related uses.*

*Where permission in principle is proposed on allocation in local and neighbourhood plans, the government considers that existing consultation arrangements provide an appropriate framework for involving communities and appropriate specialist bodies such as the Environment Agency and Natural England. For permission in principle applications, it is proposed to set consultation arrangements for involvement of communities and statutory*

*consultees that are in line with requirements for planning applications. However, before an application for technical details consent is determined, they do not propose to require by secondary legislation that local planning authorities consult with the community and others before making a decision.*

*Question Do you agree with our proposals for community and other involvement?*

*Communities generally fail to engage with the development plan in the same way that they do with planning applications. By not introducing additional consultation requirements for Planning in Principle related to allocations there is a huge risk that the community will fail to recognise the importance and fail to engage. It is therefore essential that there are similar arrangements for all Planning in Principle options to that which exist for planning applications. Equally communities are often as interested in the detail of proposals as the principle and therefore the consultation requirements for the approval of technical details should be aligned to those that currently exist for reserved matters.*

*Question : Do you have any views about the fee that should be set for a) a permission in principle application and b) a technical details consent application?*

*Granting Permission in Principle through Local Plans or brownfield registers will have significant resource implications for the local planning authority without the receipt of any income. Councils should therefore have the ability to charge site promoters for this work in the same way as if by application*

*Question: Do you agree with our proposals for the maximum determination periods for a) permission in principle minor applications, and b) technical details consent for minor and major sites?*

*The periods need to be adjusted to reflect the need for meaningful consultation and therefore be aligned with the existing eight week determination period.*

### 3.4 Brownfield register

The Government wishes to maximise the number of new homes built on suitable brownfield land. Local planning authorities will be required to prepare a statutory brownfield register, and ensure that 90% of suitable brownfield sites have planning permission for housing by 2020. Through brownfield registers, a standard set of information will be kept up-to date and made publicly available.

Authorities will be required to take a positive, proactive approach when including sites in their registers, rejecting potential sites only if they can demonstrate that there is no realistic prospect of sites being suitable for new housing. There is also an expectation that the large majority of sites on registers that do not already have an extant planning permission will be granted permission in principle.

*Question: Do you agree with our proposed criteria for assessing suitable sites? Are there other factors which you think should be considered?*

*There is an emphasis on housing here, which may mitigate against the delivery of what could be highly sustainable mixed use developments. The brownfield register should therefore*

*identify those sites which would be more appropriate for mixed use. The consultation suggests that local planning authorities will need to support decisions about potential constraints with strong evidence. Surely the burden of proof that there aren't significant constraints should sit with those promoting the site as opposed to the local planning authority.*

It is proposed to introduce measures that will apply where additional action is needed to ensure that sufficient progress is being made. These measures could include a policy based incentive which would mean that local planning authorities that had failed to make sufficient progress against the brownfield objective would be unable to claim the existence of an up-to-date five year housing land supply when considering applications for brownfield development, and therefore the presumption in favour of sustainable development would apply.

### 3.5 Small Sites Register

The consultation suggests that a published list of small sites will make it easier for developers and individuals interested in self-build and custom house building to identify suitable sites for development, and will also encourage more land owners to come forward and offer their land for development. A small sites register has particular utility in areas of high demand for self-build and custom house building, as councils will be required to permission sufficient serviced land to match demand. A small sites register will also have a wider utility and support development on small sites more generally. Sites on the register will not necessarily have been subject to an assessment of their suitability for development therefore anyone wishing to develop a site on the register will need to apply for planning permission in the usual way.

*Question: Do you agree that for the small sites register, small sites should be between one and four plots in size?*

*On the basis that the intervention is to encourage self-build it is considered that the threshold chosen is appropriate.*

### 3.6 Neighbourhood Planning

It is proposed that a local planning authority must designate all of the neighbourhood area applied for, with no discretion to amend the boundary. The circumstances we propose are when:

- a parish council applies for the whole of the area of the parish to be designated as a neighbourhood area, or applies to enlarge an existing designation of part of the parish to include the whole of the parish area; or
- in other cases, a local planning authority has not determined an application for designation of a neighbourhood area within the current time periods described above.

*Question: Do you support our proposals for the circumstances in which a local planning authority must designate all of the neighbourhood area applied for?*

There should remain exceptions, particularly where strategic sites cross parish boundaries. This is an issue that has arisen in Taunton Deane where a small part of an urban extension could be within the remit of a Neighbourhood Plan, with the remainder being outside. This could lead to uncertainty and delay to development coming forward.

The consultation also proposes to reduce time limits for the local planning authority to designate a Neighbourhood Forum, consideration of examiner's report and the holding of a referendum.

### 3.7 Local Plans

The Government is proposing to intervene and to take action to get plans in place and ensure plans have up-to-date policies by:

- publishing league tables, setting out local authorities' progress on their local plans;
- intervening where no local plan has been produced by early 2017, to arrange for the plan to be written, in consultation with local people, to accelerate production of a local plan; and
- establishing a new delivery test on local authorities, to ensure delivery against the number of homes set out in local plans.

The consultation is suggesting that progress should be assessed against the published Local Development Framework with intervention prioritised where:

- the least progress in plan-making has been made;
- policies in plans have not been kept up-to-date;
- there is higher housing pressure;
- intervention will have the greatest impact in accelerating local plan production.

### 3.8 Expanding the approach to planning performance

The consultation suggests revised thresholds for assessing the quality of performance on applications for major development and new thresholds for non-major development for both speed and quality;

- the approach to designation and de-designation for non-major development; and,
- which applications may be submitted to the Secretary of State in areas that are designated for their handling of non-major development.

*Question : Do you agree that the threshold for designations involving applications for non-major development should be set initially at between 60-70% of decisions made on time, and between 10-20% of decisions overturned at appeal? If so what specific thresholds would you suggest?*

*These thresholds seem reasonable, but increased performance should be linked to the ability to set fees that represent the full cost of delivering the service.*

*Question: Do you agree that the threshold for designations based on the quality of decisions on applications for major development should be reduced to 10% of decisions overturned at appeal?*

*The smaller number of major applications received per year (particularly for a small authority like West Somerset) can mean that one decision can impact significantly on the figure. It is felt that a more appropriate test would be 10% of decisions overturned at appeal and where the Council have been found to have acted unreasonably.*

*Question : Do you agree that the option to apply directly to the Secretary of State should not apply to applications for householder developments?*

*Due to the small size and high volume of these types of applications it is strongly felt that these should continue to be determined at the local level.*

### 3.9 Testing competition in the processing of planning applications

This is perhaps the most significant part of the consultation in terms of how it might affect the way that local planning authorities operate.

The Government recognises the importance of Development Management to economic growth and that local planning authorities require additional resources if planning services are to be self-funded and not be a burden upon the Council Tax payers of the area. As a result there has been pressure (from developers as well as Councils) to allow local planning authorities to set their own fees to reflect the true cost of delivering the service. However, the Government feels that as Councils have a monopoly in processing applications, there would be no incentive for Councils to make efficiency savings in these circumstances.

The Housing and Planning Bill contains powers to enable the testing of competition in the processing of planning applications. It is now proposed that in a number of specific geographic areas across the country, for a limited period of time, a planning applicant would be able to apply to either the local planning authority for the area or an 'approved provider' (a person who is considered to have the expertise to manage the processing of a planning application) to have their planning application processed. This does not prevent local planning authorities from continuing to process planning applications nor does it force them to outsource their development management service – it means that other approved providers will be able to compete to process planning applications in their area. A number of companies already provide outsourced processing services for local planning authorities. Local planning authorities, in addition to processing planning applications in relation to land in their area, would also be able to apply to process planning applications in other local authorities' areas. It is accepted that the democratic determination of planning applications by local planning authorities is a fundamental pillar of the planning system. This will remain the case - decisions on applications would remain with the local planning authority. However, an approved provider would be able to process the application, having regard to the relevant statutory requirements for notification, consultation and decision making, and make a recommendation to the local planning authority giving their view on how the application should be decided. But, it would be for the local planning authority to consider the recommendation and make the final decision, ensuring no loss of democratic oversight of local planning decisions.

*Question : Who should be able to compete for the processing of planning applications and which applications could they compete for?*

*It is important that any conflict of interest be avoided (whether that is real or perceived). This would equally apply to the private sector or another local authority who may have competing interests.*

*Competition will work best where there is high volumes and priority should therefore be given to testing this in householder and then minor applications.*

*Question : How should fee setting in competition test areas operate?*

*If there is to be real competition both local planning authorities and alternative providers should have full flexibility to set and negotiate fees. It is critical that the rules that apply should apply to all to create a level playing field, unlike the position that exists in relation to Building Control where local authorities have to publish their fees and the private sector do not. Further thought needs to be given to the amount of work that will still be required to be undertaken by the local planning authority. There will remain a cost in relation to the determination of the application as well as some administrative tasks (although the extent of these will be dependent upon the detail of how the changes will operate).*

In competition test areas, applicants would select who they want to process their planning application and pass it direct to the provider with the appropriate fee. The Government envisages that an approved provider will undertake all the tasks a local planning authority would ordinarily undertake. This includes, for example, checking and validating the application, posting site and neighbour notices, undertaking site visits, undertaking statutory consultation, carrying out informal engagement with the community, seeking more information from the applicant, negotiating section 106 agreements and undertaking Environmental Impact Assessment screening. Local people and councillors will need to be able to comment on planning applications as they can at the moment. An approved provider would not be able to decide the planning application – they would need to pass a report and recommendation to the local planning authority for decision.

The success or otherwise of this will be down to the detail of how it operates. A particular concern is around how the community and Councillors will be able to engage with the person processing the application if this person is remote from the area and not employed by the Council. There is a likelihood that people will still expect to be able to engage with the Council and will be confused by the fact that individual planning applications are being dealt with by another provider or even another Council. How is this to be resolved?

When a local planning authority in a test area receives a report and recommendation from an approved provider for a decision, it would be required to take the decision within a short specified period (perhaps a week or two). Authorities would continue to process in the normal way any planning applications they received directly from applicants. The timescale for determination suggested is unrealistic as reports will still need to be assessed by planning officers at the local planning authority before being determined under delegated powers or placed on an agenda and then reported to the Planning Committee. To suggest that all this could be completed within a week is clearly totally unrealistic.

West Somerset Council will need to assess whether there are benefits from engaging as part of this pilot process. Whilst this could potentially mean a loss of some work and income to alternative providers, it could ultimately give the Council a competitive advantage in being involved early and to shape something that is very likely to be rolled out across the country at some future date.

### 3.9 Information about financial benefits

The Housing and Planning Bill proposes to place a duty on local planning authorities to ensure that planning reports, setting out a recommendation on how an application should be decided, record details of financial benefits that are likely to accrue to the area as a result of the proposed development. It also explicitly requires that planning reports list those benefits that are “local finance considerations” (sums payable under Community Infrastructure Levy and grants from central government, such as the New Homes Bonus).

In addition, alongside “local finance considerations” as defined in section 70 of the Town and Country Planning Act, it is being suggested that the following benefits should be listed in planning reports where it is considered likely they will be payable if development proceeds:

- Council tax revenue;
- Business rate revenue;
- Section 106 payments.

*Question : Do you agree with these proposals for the range of benefits to be listed in planning reports?*

*The need to consider the full benefit to be derived from new development is not questioned. However, the amount of that benefit is not always known at the time of the decision. eg the precise CIL payment which is based upon floorspace will not be known at the time of granting outline permission or that amount of awards of such things as New Homes Bonus may change between the grant of permission and delivery of the development. The accuracy of the benefit accruing can therefore only be a rough estimate and as a result it will therefore be difficult for the determining authority to decide the amount of weight that should be afforded to any financial benefits that may derive.*

### 3.10 Section 106 dispute resolution

A dispute resolution mechanism for section 106 agreements is being introduced through the Housing and Planning Bill. The dispute resolution process is intended to be provided by a body on behalf of the Secretary of State, concluded within prescribed timescales, and to provide a binding report setting out appropriate terms where these had not previously been agreed by the local planning authority and the developer. The dispute resolution process will potentially apply to any planning application where the local planning authority would be likely to grant planning permission where there are unresolved issues relating to section 106 obligations. Regulations may set a size threshold or other criteria that applications must meet in order to be eligible for dispute resolution, though we propose not to set any thresholds or criteria at this stage. This would mean that the dispute resolution process would be available in a broad range of cases, including some small scale ones with relatively simple section 106 obligations.

From my experience delays in completion of s106 agreements tend to relate to the legal process involved rather than the substantive negotiations. As a result, it is not felt that this change would have any significant implications for West Somerset Council.

### 3.11 Permitted development rights for state-funded schools

The proposals are to:

- Extend from one to two academic years the existing temporary right to use any property within the use classes for a state-funded school;
- Increase from 100 m<sup>2</sup> to 250 m<sup>2</sup> the threshold for extensions to existing school buildings (but not exceeding 25% of the gross floorspace of the original building); and,
- Allow temporary buildings to be erected for up to three years on cleared sites where, had a building not been demolished, the existing permitted development right for permanent change of use of a building to a state funded school would have applied.

These changes would appear to be logical to support sufficient provision for school places and should be supported.

## **4 Links to Corporate Aims / Priorities**

4.1 No specific links

## **5 Finance / Resource Implications**

5.1 The financial and resource implications will become apparent once the measures are enacted

**6 Legal Implications** (if any)

6.1 No specific impacts

**7 Safeguarding and/or Community Safety Implications** (if any)

7.1 **None**

**Contact Officer**

Name	Tim Burton	Name	
Direct Dial	01823 358403	Direct Dial	
Email	t.burton@tauntondeane.gov.uk	Email	