



To: Members of Planning Committee

Councillors A F Knight (Chair), I R Melhuish (Vice Chair),
A Chick, S Dowding, A Hadley, B Heywood, E May, K Mills,
C Morgan, S J Pugsley, D Ross, L Smith,
M Smith, A H Trollope-Bellew, K H Turner

Our Ref TB/TM

Your Ref

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

Extension 01823 356573

Date 18 March 2015

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OR IN OTHER LANGUAGES ON REQUEST**

Dear Councillor

I hereby give you notice to attend the following meeting:

PLANNING COMMITTEE

Date: Thursday 26 March 2015

Time: 4.30 pm

Venue: Council Chamber, Council Offices, Williton

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

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

Yours sincerely

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

BRUCE LANG
Proper Officer

PLANNING COMMITTEE

THURSDAY 26 MARCH 2015 at 4.30pm
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meetings of the 29 January and 26 February 2015 - **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: Eight

Date: 18 March 2015

<u>Ref No.</u>	<u>Application/Report</u>
3/28/14/005	Land at Aller Farm, East of Woodford and North of Monksilver, Williton, TA4 4HH Erection of a Solar PV Development and associated works.
3/01/14/011	Quantock Moor Farm, Quantock Moor, Bicknoller, Taunton, TA4 4ER Outline application for the construction of an occupational dwelling

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

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

8. Appeals Lodged

Appellant	Proposal and Site	Appeal Type
Strongvox Homes Minehead	Land at Ellicombe Meadow Proposed residential development of eight Semi-detached Dwellings (plots 23, 23A, 24, 24A, 25, 25A, 26 and 26A) in place of Four approved detached dwellings and a block Of nine rather than the approved block of eight flats (plots 5 to 12A) together with vehicular parking, access And associated infrastructure (amended scheme to planning Permission 3/21/13/084)	Written Reps

9. Appeals Decided

No Appeals decided

RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

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

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.

Application No:	3/28/14/005
Parish	Sampford Brett
Application Type	Full Planning Permission
Case Officer:	Elizabeth Peeks
Grid Ref	
Applicant	Mr Jamieson TGC Renewables Ltd
Proposal	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, sub station and comms building, fencing and associated access gates, and CCTV security cameras mounted on free standing support poles (resubmission of 3/28/13/005).
Location	Land at Aller Farm, East of Woodford and North of Monksilver, Williton, TA4 4HH
Reason for referral to Committee	Major application

Risk Assessment

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

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

Site Location:

Land at Aller Farm, East of Woodford and North of Monksilver, Williton, TA4 4HH

Description of development:

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, sub station and comms building, fencing and associated access gates, and CCTV security cameras mounted on free standing support poles (resubmission of 3/28/13/005).

Consultations and Representations:

The Local Planning Authority has received the following representations:

Quantock Hills AONB

The primary purpose of AONB designation is conserving and enhancing the natural beauty of the landscape. As such the AONB Service is concerned with the impact any new development may have on the character and quality of this nationally protected landscape (including its setting). Please accept the following comments within this context.

Whilst the AONB Service recognises that the amended scheme is significantly smaller in size than the original 2013 application, it will nonetheless still be visible from the Quantock Hills AONB (as illustrated through photomontage and evident from a site visit). In the opinion of the AONB Service the introduction of a solar farm in the proposed location would:

- Be an incongruous feature; visually at odds the overtly rural landscape of the rolling vale; and
- Have an adverse impact on both the character and scenic quality of the landscape.

As much of the character of the Quantock Hills AONB is 'borrowed' through views of the surrounding landscape, we cannot support the application - believing it would have an adverse impact on the views from the AONB and therefore be contrary to the primary purpose of AONB designation.

Rights of Way Protection Officer

Thank you for consulting us on the above application. I have not visited the site.

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs along the access to the site at the present time (footpath WL 20/18). There is also an extant permissive path agreement between SCC and Wyndham Estate for a footpath & Bridleway. Both are shown on the attached.

The health and safety of walkers and horseriders must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians and horseriders. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483069.

No disturbance of the surface of these paths should take place and construction traffic should use alternative routes and not utilise these paths

SCC - Ecologist

Thank you for sending me a copy of the report of the Extended Phase 1 Habitat Survey prepared in April 2013 by Ecosulis. I am still unable to access any other documents relating to this application due to continued problems with downloading items from your website, so all my comments are based on the contents of the report.

I have used the report to help me consider how the proposed development might affect designated sites, priority habitats, protected species and ecological networks.

Designated Sites

International Sites – There are none within 2km of the application site. The scale and nature of the development means it is unlikely to exert a significant adverse effect on any SAC, SPA or Ramsar Site that is a greater distance than this from the application site.

SSSIs – Nettlecombe Park SSSI lies about 1km south east of the application site. The SSSI Citation mentions primarily the Park's outstanding lichen flora and rare invertebrates associated with its veteran tree assemblage. It is unlikely these features would be affected by a solar farm sited where the application site is located. However, the prevalence of interesting lichens and invertebrates in the area means that any old trees within the application site or on its boundaries ought to be considered to have potential to support interesting species.

Local wildlife sites – The summary table in the report (on page 7) is correct that the application site itself does not coincide with any non-statutory nature conservation designations but it is not correct that there are no such sites within 1 km of the application site and, while it is true that, as the table states, there are no non-statutory sites specifically designated for bats within 4km of the application site, this could be somewhat misleading to the casual reader because there are County Wildlife Sites (CWSs) within this zone designated for habitat that is very likely to support bats. The closest of these is Black Down Wood CWS which is less than 200 metres north of the application site. There is another CWS within 4km to the south of the proposed development site that includes an important roost site for Greater Horseshoe Bats. [Also note that Nettlecombe Court and its grounds – which are statutorily designated and much closer than 4km (see above) - support several colonies of bats including some of the rarer species like Lesser Horseshoes.] Although the report contains some inaccuracies concerning local wildlife sites, it is the case that it is unlikely that the proposed development will exert any significant direct negative impact on any local wildlife sites.

Habitats

Arable – The intensively-managed arable fields which comprise most of the application site are unlikely to be of any great interest for wildlife.

Hedges - the Phase 1 Habitat Survey assessed the field boundary hedges as being of low ecological value in their own right although it is acknowledged that they are likely to provide habitat for reptiles and nesting birds and could support Dormice. It is proposed to retain all the hedgerows within the development, so a negative impact is not assumed. This seems to me to be a valid assumption so long as (a) there is adequate buffering of the hedges from the effects of construction (b) that they are not managed in a detrimental fashion during the operation of the solar farm and (c) they are not lit at night by artificial lighting at any phase of the development.

Woodland and hedgerow trees – There is no woodland within the application site as such but there is a small copse adjacent to the eastern boundary of the application site and standard trees within some of the boundary hedges. The rooting zones of all mature trees should be protected from damage during construction of the solar farm. Usually, developments of the type proposed have extensive security fencing on the boundaries and, assuming this is a feature of this development, the applicants should be challenged to demonstrate that the fencing can be installed without damaging trees, woodland or hedges. Since there is no

assessment of the value of any standard trees as potential bat roosts or owl roosting sites, I would advocate that there ought to be a presumption against lighting the areas around standards.

Species

Most of any protected species that are likely to be associated with the site will be linked to the boundary habitats rather than to the interior of the arable fields. There is mention of these (nesting birds, reptiles, Dormice, bats) in the section on habitats above.

Badgers – The Phase 1 Survey identified badger setts at three locations across the site. Unless a survey shows it is safe to do so there should be no development within 30 metres of any of these setts. In addition I would advise that any security fences installed should be built in such a way as not to prevent badgers accessing setts and foraging habitat within the site. The report's authors suggest a 10 – 15 cm gap at the bottom of the security fence "where possible" but I am not clear how the phrase "where possible" will be interpreted in the context of security fencing. I recommend that if the application is approved (a) condition(s) is/are imposed to require that if the development is not commenced within one year there is a repeat badger survey a maximum of six months before construction begins. The aim of the survey should be to establish usage of setts and habitat on site in order to produce a badger mitigation plan which should be approved by the planning authority before implementation. This mitigation plan should include specific proposals regarding allowing badgers continued access to the land for foraging and to get to active setts.

Ecological Networks

Ecological networks allow species to move easily through the landscape between patches of habitat which they regularly use or enable them to colonise new areas. Healthy networks are vital to sound ecosystem functioning. The proposed development needs to be assessed in the light of what effect it will have on the resilience of ecological networks in the particular area it is proposed the solar farm is located. Retention of hedgerows within the developed site will help certain species to move within the landscape. In addition if habitats are enhanced as suggested within the report and below, then there is likely to be an overall improvement in the local system of ecological networks.

Biodiversity Enhancement

The National Planning Policy Framework indicates that it is a legitimate aim of planning to seek enhancement to local biodiversity where it is possible to so arising out of particular developments. In this instance there are obvious opportunities that could be secured through appropriate condition:

- Gapping up and thickening of hedges using native species – especially ones that produce flowers, nuts and fruits that are suited to scarce local species such as Dormice;
- Seeding the grass sward to be planted and/or retained hedge margins with species to increase plant diversity and increase nectar sources for invertebrates;
- Introducing features such as log pile refugia, bat boxes or bird boxes to provide shelters for specific target species or groups of species.

I would recommend that the application be approved only with a condition that requires prior submission and approval of a scheme to enhance the biodiversity value of the site using appropriate methods and management techniques.

I hope the above comments are of use to you in determining the application.

Comments on amended scheme - 12/11/2014

The latest 'updated' Extended Phase 1 Habitat Survey attached to West Somerset Council's planning website appears to be the same as that previously submitted and is still dated 'April 2013'. A letter of 7 November 2014 brings the Survey up to date by reporting the results from a fresh walkover survey of the site conducted on 5 November 2014. No significant changes to the site's ecology are mentioned. The letter confirms that the application site still contains active Badger setts. This being the case then I have no reason to alter the comments that I made previously concerning the application in my e-mail to Briony Martin dated 7 October 2014.

Highways Development Control

I refer to the above mentioned planning application received on 10th July 2013 and following a site visit on 15th July 2013 I have the following observations on the highway and transportation aspects of this proposal.

The proposal relates to the erection of a solar photovoltaic development.

Somerset County Council is generally supportive of alternative energy development and as such there is no objection in principle to the proposal.

In regards to vehicle movements it is presumed that there will be an increase in vehicle movements through Williton. However this will be for a limited period during the construction phase of the development. From the route details provided on site plan the proposed site will be accessed via an un-adopted track, which connects to Bridge Street.

Bridge Street provides adequate visibility at the junction with the A39 but beyond this it can be characterised as being narrow and single width in places. It is noted that there are double yellow lines in place along one side of the carriage way whilst there is provision for on street parking on the other side. Based on this the Highway Authority would have concerns over large vehicles i.e. HGVs utilising this route during the construction phase as it has the potential to damage the adopted highway. As a consequence if this proposal is granted planning permission the application would be required to provide a condition survey of this section of highway before and after the construction phase.

Part of the submission included a Construction Management Plan the Highway Authority has assessed the document and has the following observations to make. The applicant has provided a breakdown on the number of vehicles that would be associated with the construction phase of the development. It is noted that the applicant has stated that the proposed numbers have been calculated from the number of movements on a similar proposal. As a consequence they might be liable to change, therefore there is potential that these numbers could actually go up. The table itself does not make it clear whether final figure is the total number of vehicles or the total number of movements. The applicant would need to clarify that point.

The applicant has indicated that during the build period there will be there will be approximately 5-7 vehicle movements per day. This equates to approximately 2-3 vehicles per day. Although I would question that the number of movements provided would generally indicate that some vehicles will be kept on site over night, would the applicant be able to confirm this? The report has indicated that the applicant would be happy to restrict the delivery hours to the site. The Highway Authority would want to see the delivery hours restricted to those outside the peak hours. The applicant has indicated that warning signs will be sited in advance of the development. The Highway Authority would need the applicant to submit a plan showing the location and details of the signage.

The applicant provided a Flood Risk Assessment as part of their submission. The Highway Authority has reviewed this document and has not comments to make on the document as the site is remotely located from the adopted highway and will therefore have no impact.

Therefore to conclude the Highway Authority has no objection in principle to this proposal but does have concerns over the increase in traffic movements on the approach roads during the build period. However the Highway Authority does recognise that this would be for a limited period of time and once completed the level of movement would be minimal. Therefore it must be a matter for the Local Planning Authority to decide whether these concerns outweigh the planning merits of the proposal.

In regards to the submitted traffic management document the Highway Authority requires the applicant to clarify or address the points that have been set out above. Therefore if the Local Planning Authority were minded to grant planning permission the Highway Authority would require the following conditions to be attached.

- A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

- 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;
 - 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 Strategic Road Network.

SCC - Archaeology

Thank you for consulting us on the re-submission of this planning application.

We note that within the Planning, Design and Access Statement (September 2014) that the applicant has made a commitment to carrying out a geophysical survey of the application area. As soon as we receive a copy of this report, we will be in a position to provide advice as to the level of further field evaluation to be carried out prior to the determination of the application (where applicable) and/or the level of mitigation that may subsequently be required.

This approach is entirely in accordance with the National Planning Policy Framework (Paragraph 128) and our Guidelines for Solar Farms (September 2013). This advice is also consistent with that provided for the initial application 3/28/13/005 and re-iterated in this offices' appeal evidence. The lack of information pertaining to the character, date, extent, preservation and significance of any heritage assets present within the application area and potential impacts upon these heritage assets was a reason for the refusal of the earlier application. This application should therefore not be determined until the submission of the geophysical survey and possibly a trial trench evaluation.

Please get in touch if you require any further information.

Many thanks for the copy of the geophysical survey results from Aller Farm.

The survey has clearly demonstrated that the proposed application area has archaeological potential. This is a concept that was not considered in the desk-based assessment, despite extensive evidence for prehistoric activity in the immediate hinterland surrounding the site.

While the survey does not provide any information concerning the potential impacts of the proposal upon the significance in of these features (see paragraph 128 of NPPF), following the Inspector's appeal decision we concede that further archaeological investigations and/or mitigation can be dealt with as a condition of the application.

Monksilver Parish Council

By a majority decision, Monksilver Parish Council objects to the latest planning application submitted by TGC Renewables for a 8.3 hectare site on Aller Farm for the installation of solar PV panels. We objected to the first application primarily because of the proposed location and the impact on local amenities and tourism. This application is for a smaller development on the same site. In our view the impact on the landscape and on local amenity remains the same.

The loss of agricultural land and beautiful scenery to solar panels is misjudged and misguided. If this application is allowed it is likely to set the precedent for many more sites of solar panels on agricultural land, rather than on brownfield and urban sites where PV arrays have a lesser environmental impact.

If this application fails, as it should, then this beautiful area of peaceful countryside will be preserved for future generations. Allowing the application sends a message out to other developers that any landscape can be degraded by the large scale installation of solar panels.

Similar arguments apply to this latest application as applied to the original application (3/28/13/005). The fact that it is 8.3 hectares instead of 20 hectares should not be taken into account. The site is alongside the Coleridge Way, the principal footpath in West Somerset and is clearly visible from many viewpoints. The most valuable amenity we have in West Somerset are the beautiful views in peaceful environments that so many of our visitors are

attracted to. Allowing this application will suggest that we don't appreciate the cultural, recreational and social value of our natural heritage.

An 8.3 hectare installation must still be judged as large scale in terms of the rural landscape of West Somerset where fields are of no more than 3 hectares for the most part.

This 8.3 hectare proposal still flies in the face of the government statement of 29th July 2013 advising that the need for green energy does not automatically override environmental and heritage protections and the interests and concerns of local communities. We need to preserve our heritage assets and take into account the impact of planning proposals on landscapes important to their settings.

Solar PV development should be encouraged throughout the country, including West Somerset. Location of the site and the size of the development are all important. This proposal is in the wrong place and is significantly too large to be acceptable.

For these reasons we urge WSC Planning Committee to be steadfast in resisting this application in the same way as the original one and for similar reasons.

comments made 13/10/14

The Planning Inspectorate's decision to support West Somerset Council's rejection of the original solar panel application 3/28/13/005 is both welcome and reassuring.

The reasons given by the P.I. for rejecting the appeal are all relevant and applicable to the subsequent current application. We hope that West Somerset Council can vote to reject this latest application in the knowledge that the Planning Inspectorate has clearly stated that the proposed site is inappropriate for any PV solar panel installation regardless of the size.

comments made 12/2/15

Monksilver Parish Council notes the latest amendment made by the applicant to the proposed development.

We refer to the appeal decision made by the Planning Inspectorate on 8th Oct. 2014 to the original application.

The reasons given for the dismissal of the appeal still very much apply to the current amended application. Amongst others, the reasons for refusal given by the P.I. were as follows:

1. The West Somerset District Local Plan, policy LC/1 relates to the periphery of the Exmoor National Park indicating that development for proposals bordering the Park which may harm the landscape should not be permitted.
2. The P.I. acknowledge the site 'to form a landscape of great scenic quality'.
3. The P.I. view the site as a large area of 'attractive rolling hill side'. In this setting solar panels would be 'modern, alien and incongruous features which would cause harm to its character and appearance.'

4. 'Any fence would not provide screening in some of the distant views because the panels are on the slope of a hill.' This is still the case with the revised application involving the smaller, lower siting of the installation.
5. The P.I. state that 'users of the bridleway would be aware of the development immediately adjacent and the panels would have an impact on the enjoyment of the routes.
6. The conclusion of the P.I. is that 'the benefits of the solar panels in this instance are far outweighed by the considerable harm that would be experienced from the panels for a substantial time and the environmental harm sways the balance of any economic and social benefits, thus making the proposal an unsustainable development.
7. The proposal is in the opinion of the P.I. in direct conflict with Local Plan policies LC/1, LC/3 and T/9.

The proposed reduction in the size of the development from 22ha. to 8 ha. and the installation of a surrounding 2 metre high deer fence does not alter nor impact the fundamental reasons given by the P.I for dismissal of the original application.

Bicknoller Parish Council

Bicknoller Parish Council would like to submit the following objections to the above application

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- 1) It would have an unacceptable visual impact on the Parish, much of which is within the Quantock Hills Area of Outstanding Natural Beauty. The solar panels would cover around 50 acres on the dome of a hill that can be seen from many points within the parish.
- 2) It would mean the loss of productive agricultural land. Whilst the land is listed as grade 3, it is currently growing a crop of wheat.
- 3) There is no local benefit to the development. The electricity produced would be feedback into the grid so would not specifically to benefit the area.

The Parish Council would like to recommend tree preservation orders be placed on the trees and hedges which border the site and which are visible from Bicknoller, should the development be approved.

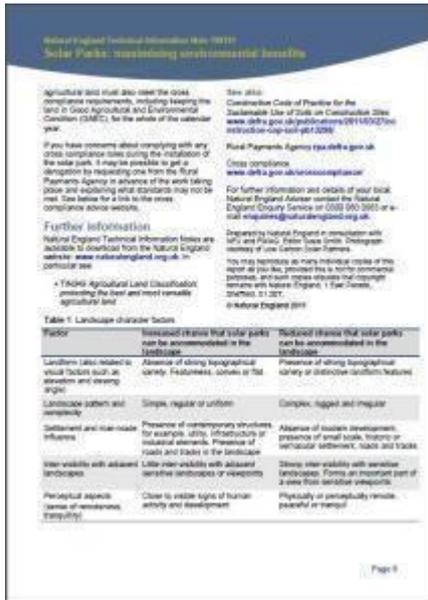
Stogumber Parish Council

This site is within Sampford Brett parish, but is on the boundary with Stogumber parish.

Stogumber Parish Council notes that the area of the proposed solar farm is much reduced from the original application. However, this reduction mainly benefits areas to the south and west of the site, whilst there remains considerable impact on areas to the north and east of the site, which includes the Quantock Hills AONB and parts of Exmoor National Park such as Combe Sydenham.

Stogumber Parish Council concurs with the objections from Sampford Brett Parish Council (within which this site is located) based on Natural England's guidance ('Solar parks: maximising environmental benefits' TIN101

<http://publications.naturalengland.org.uk/publication/32027>) The table below is taken from that guidance, and you can see that for every factor listed, the Aller Farm site is not suitable:



We also draw your attention to the Government guidance contained in paragraph 15 of 'Planning practice guidance for renewable and low carbon energy' which also indicates the unsuitability of this site for a large solar farm:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/225689/Planning_Practice_Guidance_for_Renewable_and_Low_Carbon_Energy.pdf

In shaping local criteria for inclusion in Local Plans and considering planning applications in the meantime, it is important to be clear that:

- the need for renewable or low carbon energy does not automatically override environmental protections
- cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases
- local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting
- proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration
- protecting local amenity is an important consideration which should be given proper weight in planning decisions

Stogumber Parish Council

Has the following objections:

1. Visual impact on the village, landscape and tourism assets

The solar farm would have an unacceptable visual impact on Stogumber Parish and on the attractive landscape beyond, including much of the Quantock Hills Area of Outstanding Natural Beauty and parts of Exmoor National Park.

The intrusive solar panels would be seen from Stogumber village, including listed properties and the Grade 1 listed Church. It would also be seen from Coombe Sydenham Hall, listed Grade 1 and the hamlet of Capton, both of which are in Stogumber Parish. As such the development would harm the setting of these buildings and the village. The site would also be visible from much of Beacon Field, which is a community owned field in the centre of Stogumber village used daily for informal recreation (dog walking, picnics, etc.) for occasional public events.

The site can be seen from numerous rights of way in the Parish and the most especially from lengths of the Coleridge Way, which is an important resource for attracting visitors away from the moorland tops to villages which benefit from tourism income. Tourism income could therefore be harmed if the landscape is degraded.

Outside Stogumber parish, the site would be visible from the whole of the Quantock ridge, and whilst the impact on these areas is primarily for the relevant parish councils to consider (you have received objections from a number of these parish councils), Stogumber has a number of tourism-related businesses that rely upon the beauty of the landscape to attract customers and we therefore feel that we have legitimate cause to object to the wider landscape harm that this development would cause.

2. Loss or reduction of agricultural productivity

Development of this site would mean valuable food-producing land would be largely removed from production. Whilst the land is said to be grade 3, we have seen it growing what appears to us to be a healthy crop of wheat. This is food that we - as a nation - need to produce.

It is claimed that sheep can be grazed on land with these PV arrays, but in practice the productiveness of this land used pasture would be very much reduced by the large structures sitting on (and shading) it and it is not clear that it would be economically or agriculturally viable.

From discussions with the developer and with the Smiths Gore agent for the Orchard Wyndham estate, it appears that the site was chosen in preference to less prominent sites closer to Aller Farm for the following reasons; it has an electricity line running across it (but it is not clear whether they can connect to this or will have to make a new connection some distance away); because it is Grade 3 agricultural land (but we can see that it does produce a good crop of wheat); and because the Inland Revenue would not permit the 'heritage land' of the estate to be used. In other words, the site seems to have been chosen with insufficient regard to the visual impact.

Stogumber Parish Council does not object in principle to solar arrays in the countryside. Indeed we supported the application at Capton Farm (next to Aller Farm) because: it is scaled to directly meet the energy needs of the associated quarry and stone-cutting business; it is located on formerly developed waste land not in food production and; the applicant was willing to adjust the layout and screening to meet the objections of neighbouring residents.

We suggest that the application should be determined by the Planning Committee following a full site visit.

If, despite the many objections, this application is approved, we ask that the mature trees around the site are made subject of Tree Preservation Orders.

Old Cleeve Parish Council

The application has been considered again and the parish council wish to repeat their previous comments on the application.

Thank you for the information regarding the Erection of a Solar PV Development at Land at Aller Farm, East of Woodford and North of Monksilver, Williton, TA4 4HH. We note that amended plans/details have been submitted and we are invited to send any comments we may have.

I have been instructed to say that following the bitter experience that residents of Old Cleeve Parish have endured with the foreign drivers of the lorries trying to access the Solar Farm site at Higher Bye Farm - 2 walls damaged, 2 loads shed on to our lanes, our ancient cobbles driven over, drivers having to be assisted to make a 20 point turn etc etc that we totally oppose any more Solar Farm construction in our area. The track record of the construction company is that they are doing 'all they can' but have no control over these drivers who are obviously using Sat Navs instead of following the agreed route.. The drivers have not been supplied with the agreed routes and do not even have the telephone number of the construction site so that they can phone for assistance. We have said that at the very least they should have English speaking escorts with the Lithuanian, Romanian and Polish drivers - none of whom seem to speak English. One of our Parish Councillors had to resort to drawing the driver a map of Watchet whilst the lorry was parked in Huish Lane, and then assist him to turn his huge lorry around.

Today a driver entered Willow Grove in Washford to drive under the railway bridge, he was carrying a load of cement and had obviously come from somewhere nearer than Germany, he ignored the 'no construction lorries sign', got to the railway bridge, turned around and drove towards Dragon Cross, he was then observed driving back towards Williton, so even relatively local drivers have not got the correct route.

The fact that the construction company say they will pay to have walls repaired, trees etc replaced is irrelevant, we do not want them damaged in the first place. Why should our residents have to get in touch with artisans to repair walls in a Conservation Area, or worry that the said wall could fall on someone before it can be repaired, even walls in the Crown Estate have been damaged.

Old Cleeve Parish Council repeat that they are totally opposed to any more Solar Farms in West Somerset. If Solar Farms have to be built then the equipment should be brought in by train.

Nettlecombe Parish Council

Nettlecombe Parish Council remains opposed to this development for the reasons stated below.

- Visual impact, especially from parts of the western side of the Quantock Hills.
- The footpath running along the boundary fence will require maintenance ,if it fenced on both sides then grazing stock will not have access to it to keep the vegetation low.
- Prospective visitors to the area who use Google Earth to find out more about the area they intend to visit will be deterred in some cases by the presence of a solar panel field.

On behalf of Nettlecombe Parish Council Our original objections to this planning application are still relevant to this appeal.

Williton Parish Council

Objections on the grounds of the comments raised by the neighbouring parishes as it did not support the Government advice regarding location within an outstanding natural environment and on the grounds of the implication of heavy traffic that would need to access the site at Bridge Farm.

Previous Objections remain – Objections on the grounds of the comments raised by the neighbouring parishes as it did not support the Government advice regarding location within an outstanding natural environment and on the grounds of the implication of heavy traffic that would needed to access the site at Bridge Farm.

CPRE Somerset

CPRE Somerset is not opposed to solar PV installations but we believe that their scale and location must be considered against their environmental impact. In particular, we are concerned about the visual and aesthetic impact on landscape character and the loss of agricultural land. We believe that this application falls short on both these criteria. CPRE Somerset therefore **objects** to this application. Our detailed reasons are set out below:

We are concerned about the impact of this development on the important long distance footpath the Coleridge Way, which passes close by, linking the Quantock Hills AONB with Exmoor National Park. This route is very popular with walkers, riders and cyclists. The Coleridge Way has also boosted the local economy in the peaceful vale between the two protected landscapes.

Whilst we understand that this application is considerably smaller than that previously submitted, we concur with the feelings of Monksilver Parish Council that an 8.3 hectare installation must still be judged as large scale in terms of the rural landscape of West Somerset where fields are of no more than 3 hectares for the most part.

If the Council approves this PV farm, despite much local opposition, then every effort should be made to mitigate its impact on the Coleridge Way. Full screening of the site should be a condition; hedges around the site must be allowed to grow up. Full screening will also have a beneficial effect on the longer views from the ridge of the Quantock Hills.

Planning at Exmoor National Park

Exmoor National Park Authority wishes to OBJECT to the above development proposal.

We have looked at the application documents and while we acknowledge that the scale of the solar array has been reduced, it remains significant at 8.4 hectares. We therefore wish to reiterate our previous objection under application reference 3/28/13/005 on the following grounds-

1. The proposed development is within 1km of Exmoor National Park. It is within land that can be described as forming the setting of the protected landscape.
2. The scale of the proposed development and the significance of arising impacts upon the character of land forming the setting of the National Park.

3. The visual intrusion and appearance of PV installations that contrast with the predominantly pastoral and verdant character of this landscape. This is especially true when viewed from land towards the boundary of the National Park in addition to the landscape experience of the approach to the National Park from the north east.
4. The affected landscape is valued for its scenic quality and distinctive rural character. The proposed development would impose significant adverse direct impacts upon the values characteristics of the area.
5. The development would introduce a new landscape feature into the landscape that will be discordant with the existing landscape character. The development would be visible from a number of locations within the National Park which include numerous public rights of way. Views to and from the protected landscape are valued as a special quality. The cumulative impacts of multiple views of the development are considered to amount to a substantial adverse effect on the enjoyment of views out of the protected landscape. The TZVI plan submitted under the original scheme has been re-submitted in support of the amended scheme.

West Quantoxhead Parish Council

The Parish Council have the same concerns as the last time.

1. It would have a significant visual impact on our Parish due to its size and position, which is within the Quantock Hills Area of Outstanding Natural Beauty.
2. The development may reduce tourism in the area and reduce house prices.

English Heritage

Thank you for your letter of 17 September 2014 notifying English Heritage of the scheme for planning permission relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

Sampford Brett Parish Council

Sampford Brett Parish Council has carefully considered this revised application. We acknowledge that the extent of the development has been reduced and that the highest ground has been removed from the application. However, the site is still very prominent with panoramic views of, and therefore visibility from, the Quantock and Brendon Hills. We therefore remain opposed to the development and have set out our reasons below.

Planning guidance

BRE's 'Planning guidance for development of large scale ground mounted solar PV systems' states that 'land selected should aim to avoid affecting the visual aspect of the landscape, maintain the natural beauty and should be predominantly flat, well screened by hedges, tree

lines, etc and not cause undue impact to nearby domestic properties or roads'. In our opinion, the proposed development does not meet any of these requirements other than not causing undue impact on nearby domestic properties.

Natural England's technical information note (TIN101) on maximising the environmental benefits of solar parks includes the following table (columns 1 to 3) which summaries landscape character factors that increase and reduce the chance that solar parks can be accommodated in the landscape. Column 4 is the parish council's assessment of this site; in every case we consider the proposed development falls into the 'reduced chance' category.

Factor	Increased chance that solar parks can be accommodated in the landscape	reduced chance that solar parks can be accommodated in the landscape	proposed development (parish council's opinion)
Landform (also related to visual factors such as elevation and viewing angle)	absence of strong topographical variety. featureless convex and flat	Presence of strong topographical variety or distinctive landform features	strong topographic variation
Landscape pattern and complexity	simple, regular or uniform	complex, rugged and irregular	complex, varied and irregular landscape pattern which is rugged in places
Settlement and man-made influence	Presence of contemporary structures, for examples utility, infrastructure or industrial elements. Presence of roads and tracks in the landscape	absence of modern development, presence of small scale, historic or vernacular settlement, roads and tracks	Absence of modern development in views. Visible settlements are small historic/ vernacular villages
inter-visibility with adjacent landscapes	Little inter-visibility with adjacent sensitive landscapes or viewpoints	strong inter-visibility with sensitive landscapes. Forms an important part of a view from sensitive viewpoints	Expansive 360' views from the site including the Quantock hills AONB and Exmoor national park
perceptual aspects of remoteness, development	Close to visible signs of human activity and development (sense of tranquillity)	Physically or perceptually remote, peaceful or tranquil	physically remote, peaceful and tranquil

Grid Connection

For the previous application, TGC stated that there is no spare capacity in the cables that cross the application site and that it would be necessary to install a buried cable to connect into the grid at a location closer to Aller Farm. The only reference to the grid connection we have found in the current application is at the end of Section 2 of the Planning, Design and Access Statement which refers to a connection pole under the existing line (if required) and a connection within the site via an underground cable. Is TGC able to confirm that there is now export capacity within the current overhead cables and that they have a grid connection agreement in place?

Visual impact

As with the previous application, our primary concern relates to the visibility of the site which is in an elevated position with expansive rural views in all directions. Removal of the second

field from the application has reduced the area of panels that will be visible but this does not negate the visual impact. The proposed development will cover 8.4ha of agricultural land with solar panels which will be visible from the entire ridge of the Quantock Hills AONB and from scattered locations within Exmoor National Park. We accept that the views from these locations will be relatively distant, but anticipate that they will none-the-less be out of keeping with the very rural character of the area. At a closer distance, the panels will be clearly visible from the Sampford Brett to Monksilver road. Closer still, the panels will be adjacent to the Coleridge Way footpath and bridleway which is an important and well used recreational route (see below).

Agricultural Land

Although it is stated that the land is classified as Grade 3b, we note that it is productive and, as per last year, has produced an apparently healthy crop of cereals. On page 30 of the Planning, Design and Access Statement, the applicant refers to a letter from David James that supports the classification as Grade 3b, but the letter is not included in the application. We therefore continue to challenge the classification and ask that an independent assessment is commissioned. We note that the land could be used for sheep grazing, but question how viable that is when none of the nearby fields are grazed. We trust that the loss of productive arable land will be taken into consideration during consideration of this application.

Flood Risk

Last year residents expressed concern about the potential for surface water run-off along the green lanes to Monksilver and via Capton Stream to Sampford Brett. We acknowledge that this has been taken into account in the flood risk assessment, but in the event of the development proceeding would like to see a condition that requires the developer to monitor the efficacy of the drainage system and implement remedial action should it prove to be less effective than anticipated.

Coleridge Way / Tourism

The Coleridge Way runs along the edge of the site for some 400m. This is an important local amenity that is well used by local people and visitors and has received considerable investment and publicity during the last 12 months. We note that TGC will plant a new hedge between the panels and the edge of the site, but this will not provide much screening for at least 8 years. Even then, such close proximity of major built development will inevitably detract from the very rural nature of the Coleridge Way and could adversely affect local tourism.

Archaeology

We would like to review the geophysics report when it is available.

Renewable Energy

We acknowledge that the proposed development would provide renewable energy for a number of properties, but do not accept that this benefit outweighs the associated negative environmental impacts. Paragraph 15 of the July 2013 Planning practice guidance for renewable and low carbon energy is in our opinion of particular relevance and we trust will be given proper weight when considering this application.

Reinstatement

We note TGC's suggestion of a condition to ensure early reinstatement in the event of the solar farm becoming inactive for a period of 12 months (page 10 of the Planning, Design and Access Statement).

We hope this, and reinstatement at the end of its operational life, will be included in any conditions that WSC develop for the application.

Conclusion

Sampford Brett Parish Council recommends refusal of the above application as it is an industrial development in a particularly rural and visible part of the parish.

Comments on amended plans

Sampford Brett Parish Council has reviewed the proposed amendments submitted by TGC Renewables (email dated 23/1/15) and remains opposed to the development. The reduction of fence height and the proposed planting of creepers will not make any significant reduction to the visual impacts of the solar farm. It will still be an industrial development in a particularly rural and visible part of the parish. We therefore recommend refusal of the consent application.

Landscape Officer

This revised scheme is an improvement on the previous application, as it is reduced in size and the panels are now to be located off the crown of the hill.

However, although this revised application is smaller at 8 ha in area it is still classed as a medium sized solar development according to LUC's Devon Policy Group Advisory Note N02 *Accommodating wind and Solar PV Developments in the Devon's Landscape*. (In this document, a Medium sized Solar panel development is 5-10 ha in area, large 10-15 and a Very large development is 15 ha).

Although no longer on the crown of the hill, the development is still located on the higher slopes of the hill falling steeply to the west.

I consider that this extensive field scale development with free standing solar panels along with accompanying invertors, access track, and pole mounted cameras and security fencing will have a negative impact on the Landscape character of this tranquil rural location. It adds an alien urban /industrial element to the area, which can increase the perceived human influence on the landscape and erode the intrinsically rural character of this landscape character area.

Although the site is not located within a protected landscape it is located very close, with Exmoor National Park boundary to the west and the Quantocks AONB boundary being to the east.

As stated, the site is located within Central West Somerset LCA which itself has scenic quality. This area does have some detractors but I consider that their influence has been overlaid in the applicant's LVIA.

The LCA defines the two protected areas of higher ground, thus forming the setting for the AONB and NP. Views in and out of the site and across the vale between the two protected areas are important and contribute to the scenic quality of the whole area and impact on the enjoyment of the National Park and AONB.

The development will also have a great impact on users of public rights of way in the area particularly users of the Coleridge Way, a well-used tourist recreation long distance footpath.

The recommendation to enclose this route with fencing and hedging where it directly passes the development will, I consider, impact on the enjoyment on the route. Users of such routes appreciate wider views of the countryside.

To conclude, I consider the scale and elevation of the development, impacting on views to and from the nearby protected landscapes of Exmoor and the Quantocks and the nearby Coleridge way, to be potentially damaging.

NPPF calls for valued landscapes to be protected and enhanced with the greatest weight being given to conserving the landscape and scenic quality of such areas.

Comments on amended plans 17.3.15:

Moving the panels back and providing a new hedge will lessen the impact of the development on users of the Coleridge Way (Has the developer reduced the number of panels to achieve this?)

However my objection was on impact on Landscape character of the area as well as impact on users of the recreational route, so I still cannot support this application.

I note that part of the access track has been removed from the application – how will the site be accessed for construction?

Public Consultation

The Local Planning Authority has received 21 letters of objection making the following comments (summarised):

- Industrialisation of the rural setting
- Will be visible from for example, Bird's Hill, the Coleridge Way, the Quantocks and Exmoor National Park
- As the footpaths adjoining the site will be adversely affected and this will have an adverse impact on tourism as the walker's experience is affected for example by loss of views from the footpaths
- The green lanes flood and the footpath in the adjoining wood is treacherous in wet weather and this will be exacerbated
- The pylons in the adjacent field are at full capacity necessitating extensive work to reach the next available connection showing the site is unsuitable
- We need all the agricultural land we can so should not build on it.
- Solar panels are not green as we are led to believe. Solar farms should be on brownfield sites, houses, alongside motorways, or on industrial buildings.
- Habitat for wildlife will be destroyed
- As the field mainly faces east and not south this presumably affects the efficiency of the panels
- Risk to aircraft as there is the potential that pilots could be distracted or blinded by reflected glare with the risk of crashing
- Access to the site is unsuitable as it is narrow and not suitable for construction traffic.

- Will be visible from Weacombe House, a Grade II* listed building and no proper assessment on the impact of the proposal on historic assets have been provided
- English Heritage is not in support of the application and advises the local planning authority to determine the application in accordance with national and local policy
- The reduced scheme has not addressed the previous reasons for refusal
- The need for renewable energy does not automatically override local environmental and heritage protections and the concerns of local communities
- The LVIA underplays the actual impact. The existing tree screen will only act as a screen in the summer.
- No prospect for employment
- Contrary to local plan policies and the NPPF
- If approval was granted what would prevent the applicant's applying for an extension
- Set a precedent for other greenfield solar developments between the Quantock AONB and Exmoor National Park
- Is the scheme viable as the TGC representatives are reported to have said that the larger 20 hectare site was necessary to make the scheme viable.
- The reduction in the height of the perimeter fence makes no difference to the effect the scheme will have on the landscape

Planning Policy Context

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006). West Somerset is in the process of developing the emerging Local Plan to 2032, which will replace the strategy and some of the policies within the adopted Local Plan. The emerging Local Plan is at an early stage of production process. It will go to the Publication stage in early 2015 when the contents will acquire some additional weight as a material consideration. Until that stage is reached, policies within the emerging Local Plan can therefore only be afforded limited weight as a material consideration.

The following Policies are considered relevant to this application:

SP/5	Development Outside Defined Settlements
AH/2	Locally Important Archaeological Remains
BD/1	Local Distinctiveness
BD/2	Design of New Development
TW/1	Trees and Woodland Protection
TW/2	Hedgerows
T/9	Existing Footpaths
LC/1	Exmoor National Park Periphery
LC/3	Landscape Character
W/5	Surface Water Run-Off
A/2	Best and Most Versatile Agricultural Land

National Policy

[National Planning Policy Framework \(the NPPF\)](#)

Local Policy

[West Somerset Local Plan \(2006\)](#)

[West Somerset Local Plan to 2032 Revised Draft Preferred Strategy \(June 2013\)](#) **Planning**

History

The following planning history is relevant to this application:

EIA/28/13/001	Proposed Solar PV farm development	EIA not required	20.2.13
3/28/13/005	Erection of a solar PV development and associated works to include the installation of ground based racking system and mounted solar panels(max 3m), power inverter stations, transformer stations, sub station and comms building, fencing and associated access gates, and CCTV security cameras mounted on free standing support poles	Refused Appeal dismissed	30.9.13 8.10.14

Proposal

The application seeks planning permission for a 4.65MWp solar farm on one field (8.4 hectares) of Grade 3b agricultural land, approximately 400m east of Woodford and 900m north from the centre of Monksilver. Williton is approximately 2.2km to the north of the application site and Sampford Brett is approximately 1km northeast of the site. Access to the site is via Williton along a private road from St Peter's Church and unmetalled public right of way. Part of this route is incorporated within the Coleridge Way. The access is approximately 2.4km long. This proposal is an amended scheme to one that was dismissed on appeal in October 2014. The site was larger (20.3 hectares) and encompassed two fields. The appeal decision is attached.

14,560 panels are proposed running in an east - west direction in 36 rows. The panels will be mounted on a ground based racking system. The panels will be no higher than 3m and will be a minimum of 80cm above ground level to allow sheep to graze beneath them. The panels will be of a blue / black colour. In addition there will be four power inverter station, one substation, a switch gear building and a comms building plus security fencing and sixteen 4m high free standing poles for CCTV cameras around the perimeter of the site. A 4m wide access track within the perimeter fence is proposed along the north eastern, south eastern and southern boundaries. This will be surfaced with imported type 1 stone (ie crushed stone).

The four power inverter buildings will be 9.8m x 3m in size and 3.2m tall. The flat roof comms building will be 7.2m x 3m and 2.4m tall, whereas the pitched roof substation will be 6.8m x 3.9m with the highest section being 5.2m tall and the smaller monopitched section being 3.3m tall. The materials and colours to be used on these buildings has not been specified. The flat roofed switchgear building will be 4m x 2.6m and 3.1m tall and would be green or grey on colour. These buildings would be located around the perimeter of the field mainly on the northeast and southeast boundaries with one inverter building on the southern boundary.

The proposed 2m high security fencing is deer fencing (post and wire) located around the edge of the area where the solar panels are situated. A hedge (to be allowed to grow to 3m

high) between the fence and the adjoining permissive footpath along the north eastern and south eastern boundaries is proposed.

The existing hedgerows around the field are to be retained and enhanced with species rich infill planting. The hedges will be allowed to grow up to 3m in height. The area under the panels will be used for sheep grazing.

An area of an adjoining field to the north of the site is proposed to be used during the construction phase for the site construction compound where materials for the solar farm would be off loaded and for the parking of vehicles required during the construction phase. The construction period is expected to be about 3- 4 months.

The proposed solar farm has a life expectancy of around 25 years after which the panels and buildings would be removed unless a planning permission was granted to extend the life of the solar farm.

Site Description

The site comprises of one field currently in arable use. The sloping field is bordered by native hedgerows. A permissive footpath runs within the site along the southern and north eastern boundaries. The section along the north eastern boundary is included as part of the Coleridge Way. The undulating field ranges in height from 120m (eastern part of the site) to 160m (western side of the site) and is sited in essence at the top of the hill. Adjoining part of the north eastern boundary is a mature woodland. The unmetalled track (and public right of way) from The Lodge in Williton is also used as the access to Aller Farm and to access the adjoining fields.

Planning Analysis

1. Principle of Development

The site lies within open countryside where policy SP/5 is the relevant local plan policy. This policy states that "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 terms of the generation from renewable sources paragraph 98 of the National Planning Policy Framework (NPPF) states that

"98. When determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable..."

Guidance within the NPPF sets out, in relation to conserving and enhancing the natural environment, that, "The planning system should contribute to and enhance the natural and local environment by...protecting and enhancing valued landscapes" (para. 109). The NPPF also sets out that "Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty..." (para 115).

Paragraph 116 of the NPPF adds that planning permission should be refused for major development in these designated area except in exceptional circumstances and where it can be demonstrated they are in the public interest. Whilst the proposed development is not located directly in either the Quantocks AONB or within the Exmoor National Park paragraphs 115 and 116 highlight the level of protection that is afforded to the landscape and scenic beauty of the areas. In terms of Local Policy, development in the periphery of Exmoor National Park needs to be considered against Policy LC/1 "Development proposals in areas bordering Exmoor National Park which may harm the landscape character of the park will not be permitted. Policy LC/3 states that... "Development which does not respect the character of the local landscape will not be permitted." The proposed development will be visible from these areas and it is important to consider whether or not there will be an adverse effect on the setting of these valued landscapes or the character of the local landscape.

In July 2013 the Government published Planning Practice guidance for renewable and low carbon energy, this provides advice on the planning issues associated with the development of renewable energy and should be read alongside the NPPF. Paragraphs 26 and 27 of this guidance provide advice on the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms.

26. The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

27. Particular factors a local planning authority will need to consider include:

- encouraging the effective use of previously developed land, and if a proposal does involve Greenfield land, that it allows for continued agricultural use and/or encourages biodiversity improvements around arrays
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use
- the effect on landscape of glint and glare (see guidance on landscape assessment at paragraphs 39-40) and on neighbouring uses and aircraft safety
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun
- the need for, and impact of, security measures such as lights and fencing
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect

The criteria above within the guidance are assessed are set out below within relevant sections of the report.

In terms of the principle of the development, Government advice is clear that low carbon energy generation schemes are to be supported if the impacts of the proposal are or can be made acceptable and that in principle solar farms cannot be resisted. However, the importance of landscape designation and the protection afforded to such areas is significant in assessing the impacts of a development proposal. The Government do acknowledge that the deployment of large scale solar farm can have a negative impact on the rural environment, particularly in very undulating landscapes. Local Policies LC/1 and LC/3 remain consistent with the approach set out in the NPPF and require that proposals do not have a negative landscape impact - either in terms of their effects on the National Park nor in terms of the impact on the character of the local landscape.

In considering the proposal against Policy SP/5 it is considered that the generation of the energy required to power 1,280 houses from renewable sources does undoubtedly have benefits in helping to increase the use and supply of renewable and low carbon energy. However, it is considered that there would be limited social activity over and above this wide objective and not at a local level where the impact would be most felt. It is considered that the proposal would not benefit economically in the medium to long term as the operation of the solar farm would not provide employment. It is acknowledged that there will be an initial benefit through the manufacture and installation of the equipment and through recycling the materials at the end of the solar farm's life however, these are not so significant as to weigh in favour of the proposal if there are other material concerns. It is accepted that in principle there will not be a significant increase in car travel as only 1-2 vehicle trips will be required per quarter.

The most important factor in relation to the principle of the development in this case, based on national guidance and local policy, is undoubtedly the effect on the character of the local and designated landscape and the environmental quality of the area. The visual impact of the proposal is an intrinsic part of whether or not the landscape and environmental quality of the area will be affected. Overall, should the visual impact of the proposal is acceptable then the proposal would be acceptable in principle in accordance with national and locally relevant policies. The impact on the character of the area, the landscape and the visual impact of the development are assessed in detail below.

2. Character and Appearance of the Area

The area is rural in character with rolling fields bounded by hedgerows and interspersed by areas of woodland. An overhead power line traverses the application site. The fields adjoining the application site are predominantly arable whereas the fields to the south of the site are situated within Exmoor National Park and are mainly parkland and/or used for grazing. The land to the south falls steeply down to the B3188 (Fair Cross to Monksilver road). The nearest properties are approximately 350m away at Woodford and are Grade II listed buildings, given the distances involved the setting of these cottages will not be affected. Nettlecombe Court and St Mary's Church and the adjoining Grade II registered garden are approximately 1.2km to the southeast of the application site. Glimpses of the site can be seen from land higher than the application. In addition the site can be seen from Weacombe House, a Grade II* listed building which is approximately 3.5km northeast of the application site and from land at Combe Sydenham estate where the house is a Grade I listed building, approximately 5km to the south of the application site. The site however can not be seen from Orchard Wyndham.

Overall, the site is considered to be within a "very undulating landscape" where Government guidance notes that the deployment of large-scale solar farms can have a negative impact on the rural environment. Clearly there are a range of sensitive receptors in the locality where the impact of the development needs to be considered carefully.

3 Visual Impact.

The visual impact of the proposed solar farm is clearly one of the main issues that needs to be assessed. The applicant has prepared a Landscape and Visual Impact Assessment (LVIA) that is based on the Guidelines for Landscape and Visual Assessment 2002. This involved assessing the impact on the landscape, ancient woodland, public rights of way and recreational routes, open access areas and registered common land, views from a number of viewpoints together with the effect on registered gardens, roads, the West Somerset Railway line and a number of villages within a 5km radius of the application site. The summary concludes that the proposal:

- Adds another built element to the landscape;
- Avoids designated landscapes;
- Will be set in a single field, within a regular landscape pattern which is suited to the uniformity of a solar scheme;
- Will be set within well-vegetated field boundaries, which will be enhanced through additional planting, including infill planting to the existing boundaries;
- Will involve no removal of trees or hedgerows but will result in the additional provision of new species rich hedging, which will enhance both the landscape pattern and increase screening for surrounding visual amenity receptors;
- Will only be intermittently overlooked from the high ground of the AONB to the northeast, will not be visible from the closest part of the National Park directly to the west and barely, if at all, from the parts of the National Park to the south-west where although selectively perceived, it will be a relatively minor built element, set within an expansive rolling agricultural, well-vegetated landscape; and
- Will have very limited impacts on landscape relevant designations, landscape character or visual amenity receptors.

Given the nature of the local landscape and the protection afforded to it by both Local Policy and national guidance it is considered that the effect on designated landscapes and their settings need to be safeguarded. In considering the merits of the application it is very clear that the site and the proposed solar farm will be visible due to the elevated nature of the site and, importantly, because of the undulating nature of the surrounding landscape, from both the Exmoor National Park and from the Quantocks AONB. The proposal will undoubtedly have an adverse and harmful affect on both nationally designated and protected landscapes and the character of the local landscape. It is noted that the previous larger scheme was dismissed on appeal (attached) on the grounds that there would be substantial harm to the character and appearance of the surrounding area and would conflict with local plan policies LC/1, LC/3 and T/9. Even though this scheme is smaller than the previously refused scheme the now proposed solar farm would still be located on the higher slopes of the hill but will no longer be on the crown of the hill. It is considered that there would still be substantial harm to the character and appearance of the area.

4. Residential Amenity

It is considered that there is no significant affect adverse on residential amenity in terms of overlooking, overbearing impact or loss of light to habitable rooms due to the distance from the site to the dwellings and the difference in height of the site to the location of the dwellings. Whilst the proposal would be visible from a large number of properties, there are no direct adverse impacts on these dwellings from a residential amenity perspective.

5. Highway Safety

The Highway Authority do not object in principle but do have concerns over the increase in traffic movements on the approach roads during the build period and have suggested that various conditions be imposed including a Construction Management Plan. This plan would control the number of vehicle movements including the operating hours which the Highway Authority have indicated should be outside of peak hours. This would help to control the effects of the extra construction traffic in the area which the applicant has indicated would equate to 5-7 vehicle movements per day (articulated lorries).

6. Flood Risk

A Flood Risk Assessment has been submitted as part of the application. The assessment includes details of a sustainable drainage system to help mitigate any increase in run off resulting from the proposal. The proposed system involves the installation of swale (300mm deep), bund (300m high) and scrape (200mm deep) features running parallel to the site contours. These features will intercept flows, create storage as well as attenuate run off and promote infiltration across the site. The Environment Agency had no objection on the previous proposal subject to a condition being imposed requiring a detailed surface water run off limitation scheme. The Environment Agency has not responded to this scheme but it is considered that as the scheme is smaller there is no objection on flooding grounds subject to the condition suggested by the Environment Agency being imposed.

7. Biodiversity

As part of the application an Extended Phase 1 Habitat Survey has been submitted. This report concludes that there are protected species on site and as the application site comprises of intensively managed agricultural land with well managed hedgerows. As a result there is a significant opportunity to provide gains in biodiversity including enhancing the existing hedgerows including planting up gaps with native species, using locally sourced species rich seed mix in the landscaping scheme to increase species diversity, a site specific management plan, the inclusion of bat and bird boxes as part of the new buildings or on retained trees together with log or rubble piles to create extra habitat for invertebrates, reptiles and small mammals. The Council's advisor on ecology has advised that there would be no significant negative impact on biodiversity to justify an objection and would recommend that conditions be imposed to incorporate the suggested biodiversity improvements noted above. Somerset Wildlife Trust also concur with the Council's ecologist's recommendations.

8. Archaeological and Heritage Assets Implications

Paragraph 128 of the NPPF states "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

A geophysical survey forms part of the application and has identified that there are possible remains of archaeological features and multiple high positive features which could represent features of archaeological potential such as pits. The County Archaeologist has advised that the survey has shown that there is archaeological potential and that whilst the survey does not provide any information concerning the potential impacts on the significance of these features it is concluded that when taking the Inspector's appeal decision into account that further archaeological investigations and / or mitigation can be the subject of a condition.

With regard to the effect of the proposed solar farm on the setting of heritage assets including listed buildings, registered gardens and conservation areas it is considered that due to the location and distances involved that no heritage assets will be adversely affected.

9. Public Rights of Way

The proposal will affect a public footpath and a permissive footpath and a permissive bridleway. None of these routes however are to be rerouted or closed as part of the proposal. The public footpath (which is also a permissive bridleway) is proposed to be used as the access to the site during the construction phase. Around the perimeter of the site (eastern, southern and western boundaries) are a permissive footpath and a permissive bridleway. A section of the public footpath and permissive bridleway are also form part of the Coleridge Way. The County Rights of Way Officer has not reached a view as to whether these routes have been adversely affected but have advised that various works to the routes or if the routes are made less convenient for continued public use authorisation for these works will be required from Somerset County Council. It is considered that whilst additional vehicles during the construction period will use the public footpath the additional number involved is not so significant that it will inconvenience existing users. The permissive bridleway on the eastern boundary will be screened from the solar panels by a new hedge and the proposal to allow the existing hedges around the site to grow to 3m may restrict some of the current views that current users have. Native climbers are proposed on the fences nearest the rights of way and there will be a setback from the public right of way and the fence of 11.7m for the right of way along the north east boundary and 25.2m to the right of way to the south east. A site information board is also proposed advising walkers of an alternative route that can be taken to avoid the solar farm. It is considered that whilst the applicant has taken into account the enjoyment of the users of the rights of way and has amended the scheme mainly by amending the type of fencing to be used, increasing the distance between the panels and the rights of way to try and improve the situation compared to the scheme that was dismissed on appeal it is still considered that there will be an adverse impact on the users for the rights of way including those on the Coleridge Way through the loss of wider views of the countryside.

10. Other Implications

Government Guidance

Government guidance was published in July 2013 (Energy Planning Practice Guidance for Renewable and Low Carbon Energy). Eight particular factors are noted that local planning authorities need to consider. A number of these are discussed above. Those that have not already been discussed above are as follows:

- encouraging the effective use of previously developed land, and if a proposal does involve Greenfield land, that it allows for continued agricultural use and/or encourages biodiversity improvements around arrays
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun
- the need for, and impact of, security measures such as lights and fencing• the potential to mitigate landscape and visual impacts through, for example, screening with native hedges
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect

a. Encouraging the effective use of previously developed land, and if a proposal does involve Greenfield land, that it allows for continued agricultural use and/or encourages biodiversity improvements around arrays

This proposal involves Grade 3b agricultural land and so is not previously developed land. Biodiversity improvements with the provision of new hedgerows and thickening up of existing hedgerows are proposed. It has also been noted that sheep or other small livestock could graze under the solar arrays but no evidence has been submitted that illustrates that this will occur. It should also be noted that local plan policy A/2 states that Grades 3b, 4 and 5 should be used rather than higher grade land. This proposal accords with this policy and paragraph 112 of the NPPF which states "Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

b. That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use

Should planning permission be granted for the proposed solar farm conditions would be recommended that ensures that the land would be restored to its current state. The applicant has indicated that the buildings would be removed from site as would the underground cables and foundations if required.

c. the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun

As the solar arrays are static this factor is not relevant to this application.

d. the need for, and impact of, security measures such as lights and fencing

2m high deer fencing and CCTV on 4m high poles are proposed. No lighting is proposed. The lowering of the fence to that previously proposed is welcomed but with the addition of 16 CCTV on 4m high poles will have a negative impact on the landscape character by adding an alien urban/industrial element into the rural character of the area.

e. The potential to mitigate landscape and visual impacts through, for example, screening with native hedges

As part of the proposed scheme the submitted landscape masterplan shows a new hedgerow along the permissive bridleway on the eastern boundary and that all the existing hedgerows will be maintained at a height of 3m. The hedgerow on the eastern boundary will have the existing gaps planted up. As the associated buildings will range in height from 2.4m - 5.2m the hedges of 3m in height are unlikely to screen the panels or buildings. This is 0.5m higher than proposed in the previous scheme and is as advised by the Council's Consultant on the previous scheme. It will take time for the existing hedges to grow to this height. Climbers on sections of the fences also proposed. The mitigation offered by the applicant however will not completely screen or mitigate against the adverse effects of the proposal.

f. the energy generating potential, which can vary for a number of reasons including, latitude and aspect

The proposed solar farm would generate 4.65MWp per year that would provide electricity for approximately 1,280 homes. This is a significant number of dwellings that would benefit but this has to be weighed against the visual effects on the area and in particular on Exmoor National Park, The Quantock Hills Area of Outstanding Natural Beauty, the impact on the character of the local landscape and the setting of heritage assets.

Environmental Impact Assessment

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

Conclusion and Recommendation

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

Reason for Refusal :

- 1 In the opinion of the Local Planning Authority the proposal will have an adverse and harmful affect on both nationally designated and protected landscapes and the character of the local landscape, in particular to Exmoor National Park and the Quantock Hills Area of Outstanding Natural Beauty. The proposal therefore is not in accordance with saved policies LC/1 and LC/3 of West Somerset District Local Plan and Government guidance contained in the National Planning Policy Framework, in particular paragraphs 109, 115 and 116.
- 2 It is considered that due to the proximity of public rights of way to the proposed solar farm including a national long distance route, The Coleridge Way this will adversely affect the enjoyment of the users of these rights of way and as such is contrary to saved policy T/9 of the adopted West Somerset District Local Plan (2006).

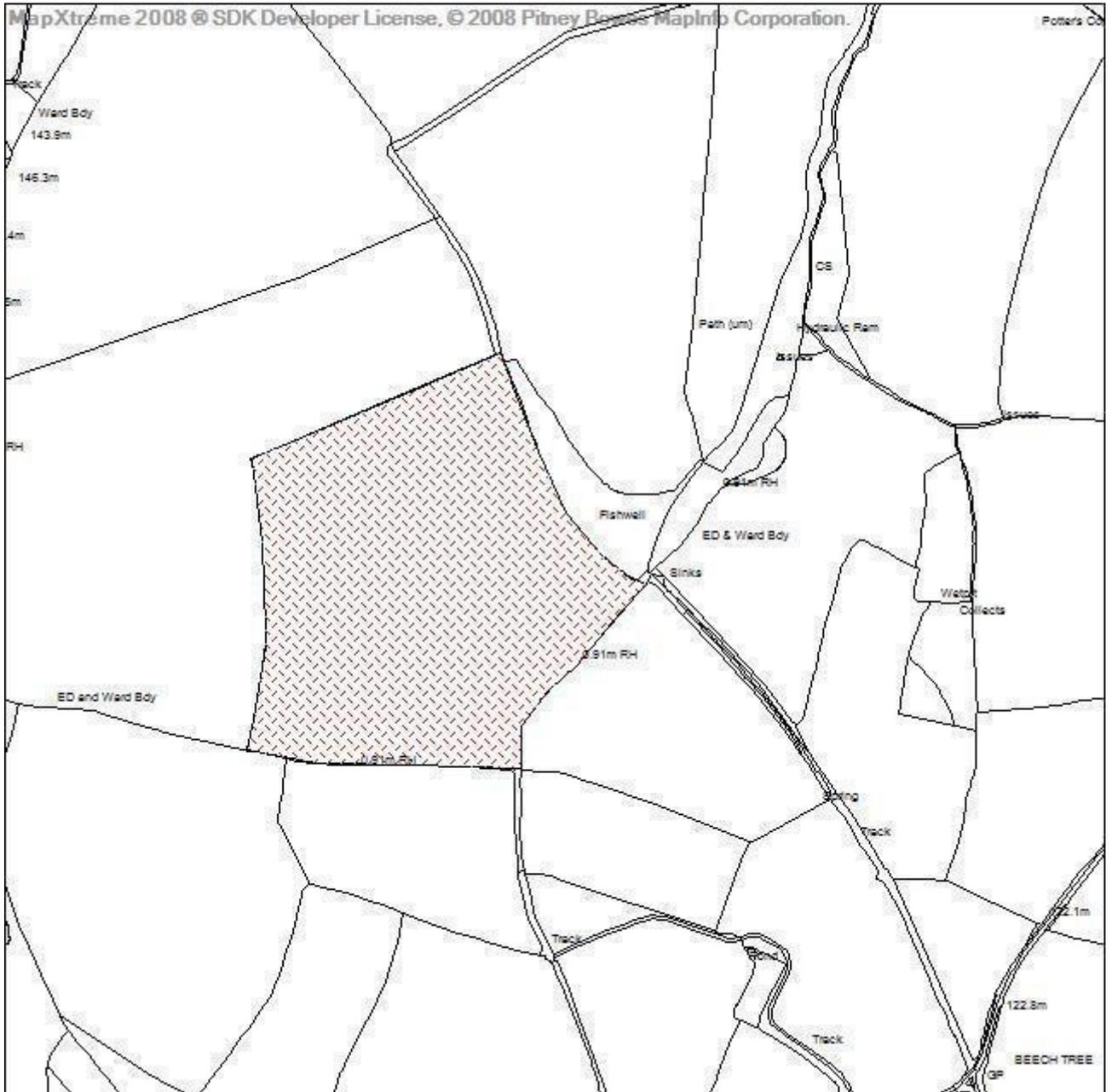
Notes

- 1 This decision relates to Drawing Numbers: TGC/PV002 Rev A1, TGC/PV009/01 Rev A2, TGC/PV010 GCS0015 - 1Rev 04TGC/PV003 Rev A1 TGC/PV004, 2V Racking System Rev 2, Landscape and Visual Impact Assessment dated November 2014, Report of Geophysical Survey dated October 2014 ,Flood Risk Assessment incorporating Sustainable Drainage Strategy dated 23 October 2014, Extended Phase 1 Habitat Survey dated April 2013, site plan, 10 photographs of panels and fencing , Traffic Management Information , Rooftop, previously developed and /or non agricultural land solar programme opportunity register 12 September 2014, Archaeological Desk Based Assessment dated May 2013, Sample of literature for panels from Canadian Solar (CS6P) and Yingu Solar (YL235P - 29b - 1/1650 x 990 Series)
- 2 **STATEMENT OF POSITIVE WORKING**

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. During the consideration of the application certain elements of the proposal were deemed to be unacceptable and concerns were raised by statutory consultees. The local planning authority contacted the applicant to inform them of the concerns . Although the applicant submitted some amendments to the scheme these amendments did not fully address the concerns. The applicant was informed about the outstanding issues. The application was considered not to represent sustainable development.

In the determination of this application the local planning authority complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework.

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



Application No 3/28/14/005 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, sub station and comms building, fencing and associated access gates, and CCTV security cameras mounted on free standing support poles (resubmission of 3/28/13/005).

Land at Aller Farm, East of Woodford and North of Monksilver, Williton, TA4 4HH

12 September 2014

Planning Manager

West Somerset Council

West Somerset House

Killick Way

Williton TA4 4QA



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West Somerset Council
Licence Number: 100023932

Easting: 307238 Northing: 138547 Scale: 1:7,000

Appeal Decision

Site visit made on 27 August 2014

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS

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

Decision date: 8 October 2014

Appeal Ref: APP/H3320/A/13/2207951

Land at Aller Farm, East of Woodford and North of Monksilver, Williton TA4 4HH

- 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 TGC Renewables Ltd against the decision of West Somerset Council.
 - The application Ref 3/28//13/005, dated 28 June 2013, was refused by notice dated 30 September 2013.
 - The development proposed is a solar PV development and associated works, including ground based racking system with mounted solar panels (max 3m high), power inverter stations, transformer stations, sub station and comms building, fencing and associated access gates, and CCTV security cameras mounted on free standing support poles.
-

Procedural Matters

1. The proposed development would be operational for 25 years, after which it would be dismantled and removed and the site reinstated, and this would be achieved with appropriate conditions. I also note that it would be intended that the point of connection to the grid would be within the site, with any necessary pole covered by a separate planning application.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the surrounding area.
 - The effect in relation to archaeology.

Reasons

Character and Appearance

4. The development plan includes the West Somerset District Local Plan [LP]. LP Policy LC/1 relates to the periphery of Exmoor National Park. This indicates that development for proposals in areas bordering the National Park which may harm the landscape character of the park will not be permitted. LP Policy LC/3 indicates that where development is outside of development limits, particular

attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development that does not respect the character of the local landscape will not be permitted. The appeal site is not in the Exmoor National Park or Quantock Hills Area of Outstanding Natural Beauty, but these are relatively close. LP Policy T/9 indicates that care should be taken to ensure that footpaths are attractive to users. LP Policy LB/3 indicates that development which would harm any part or setting of a registered historic park or garden will not be permitted.

5. It is intended that the site would also continue in agricultural use, with sheep grazing continuing with the development, and no vegetation would be lost, including the internal hedge between fields.
6. Exmoor National Park is to the west of the appeal site and at its closest point is about 290m away, to the west of the B3188. The Quantock Hills Area of Outstanding Natural Beauty is about 3.2km to the east of the appeal site. The appeal site is in the Vale of Taunton and Quantock Character Area and consists of, amongst other things, lowland mixed farmland divided by dense hedges, sparse woodland and frequent settlements. The appeal site is in the area identified by West Somerset Council in the southern fringes of the Central West Somerset Local Landscape Character Area. It is generally described as an area of rolling or undulating hills, rarely over 100m high, divided by numerous streams in generally narrow but not exceptionally steep valleys. Vegetation includes hedges, hedge banks and hedgerow trees and tree groups and copses. Prominent lines of pylons are noted. The appeal site is set in a gently undulating landscape in an area of rolling, agricultural farmland and from my site visit the area is seen to form a landscape of great scenic quality.
7. The evidence includes a number of photographs of the landscape with the proposal superimposed on them. There have been various comments about these and landscape assessment and how much weight should be given to them. Photomontages are inevitably only illustrations of the proposal and need to be carefully assessed. The montages provided help to inform my decision, but my assessment has also been informed by my site visit and views made from various locations identified.
8. The appeal proposal would result in a very large area of attractive rolling hill side, which is an important characteristic of the area, being covered with solar panels. These would appear as modern, alien and incongruous features in the countryside, which in my view, would cause harm to its character and appearance. There is a large perimeter hedge that would be reinforced and woodland copse near the appeal site that would provide some screening from some directions and when close to the site. However, these would not provide screening in some of the distant views because the panels would be on the slope of the hill.
9. In particular, the panels would be visible from some locations along the road to the north-east. Here the site would be visible to either side of the woodland and the vast size of the proposal would be very evident. From this location there would be substantial harm. From the road to the north-west of Stogumber and from the road to the south-east of Monksilver the site would be seen as a strong feature on the horizon above trees and hedgerows. From Exmoor National Park the proposal would be visible from the right of way to the west of Nettlecombe Park beyond the B Road. While further landscaping might

- be beneficial and provide some mitigation, because of the sloping nature of the site, this would be unlikely to acceptably screen the proposal in many views.
10. The landscape assessment makes judgements such as 'although visible, it will be a relatively minor built element within an expansive agricultural landscape'. I agree the surroundings would be an agricultural landscape, but because of the massive scale of the proposal it would not, in my opinion, be seen as a minor built element.
 11. I acknowledge and agree with the Landscape and Visual Impact Assessment for the surrounding towns and villages. I have also taken into consideration Nettlecombe Park and from the majority of it the proposal would not be visible. I consider the effect on Nettlecombe Park would add no significant impact beyond that already described above.
 12. There is no intention to close any right of way in association with the scheme. The nearest public right of way is the bridleway to the south-east of the appeal site, which is shown on the OS map to split near the appeal site with a footpath going through the copse and away towards Aller Farm, although currently overgrown and not apparently used for some time, the permissive alternative path within the site appearing well used. The bridleway itself is set partly with banks at the side with a relatively dense hedgerow. However, even with this in the summer there were partial views into the appeal site and these views would be likely to be greater in the winter. There were also views into the appeal site through gaps in the hedge.
 13. In my view, even with the landscaping proposed on the indicative landscape masterplan, maintaining and enhancing the existing hedges and gap filling planting, those using the bridleway would be aware of the development immediately adjacent. In addition, gaps in the hedging to the surrounding landscape are important for the enjoyment of the routes and simply closing all gaps, while screening the development, would have an impact on enjoyment of the routes.
 14. There are also permissive paths at the edge, within the appeal site, part of which is used for the long distance Coleridge Way path. As a sign on site notes, this is a permissive path and not necessarily permanent and the weight to any harm has to be considered on that basis. Clearly the proposal would cause some harm to the enjoyment of users of this route. It is proposed to leave a 4m strip at the perimeter before fencing is erected, with hedging around. The fence would be very intrusive and an alien feature, particularly in the time that it would take for the vegetation to establish and the fence and hedge would impact on the character of the walk enclosing the walkers and detract from the available views.
 15. I note that there are some other man made features, including pylons, in the surrounding landscape that detract from the character and appearance of the area, but these in themselves do not justify further substantial harm in the location of the appeal proposal. I have also taken into consideration other appeal decisions, but each needs to be considered on its own merits and here I have found that the proposal would cause substantial harm.
 16. Overall, I conclude on the main issue that the proposal would cause substantial harm to the character and appearance of the surrounding area and would conflict with the aims and objectives of LP Policies LC/1, LC/3 and T/9.

Archaeology

17. An archaeological desk based assessment has now been undertaken and this indicates that the area has a low potential for the survival of archaeologically-significant buried deposits and structures. The council say that is not enough and that, in accordance with its guidance, some on site investigation is necessary to be sure that there are no archaeological remains. In addition, it says that there should have been further searches of records related to Exmoor National Park, which is only a few hundred metres from the appeal site. While I consider that it is reasonable to require some on-site investigation, given the findings of the desk based assessment, for the area where the appeal site is located, I consider that further archaeological assessment and excavations are matters that could reasonably be required to be undertaken by a condition and therefore I do not attach weight against the proposal in relation to this.

Planning Balance

18. The Planning Practice Guidance [PPG] notes that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. Solar energy production is a key source for meeting renewable energy targets.
19. The PPG identifies that the National Planning Policy Framework explains that all communities have a responsibility to help increase the use and supply of green energy, but that does not mean that the need for renewable energy automatically overrides environmental protection and the planning concerns of local communities. As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them and in relation to this decision local representations have been taken into consideration. However, equally, there is nothing in the documents that indicates that local opposition is overriding.
20. In terms of considering energy produced, the Framework notes that when determining planning applications it should not be required for applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. There are significant benefits, including that the solar panels would make a useful contribution to meeting UK energy targets, producing electricity for about 2281 homes. The development would also have an economic benefit in terms of employment associated with its construction and would provide benefit to the land owner in terms of farm diversification. The developer also proposes to provide a significant community benefits package for the local community, payable annually for 10 years.
21. Against the benefits of the proposal are to be weighed the substantial harm identified above, related to the harm to the character and appearance of the surrounding area, users of nearby footpaths and the peripheral effect on Exmoor National Park and the Area of Outstanding Natural Beauty. In my view, while noting the great weight to be given to the benefits of the solar panels, I consider that the combination of harm identified clearly outweighs those. I acknowledge that the life expectancy of the panels is limited and the temporary nature of the permission adds in favour of the proposal. However, even taking

this into consideration, the benefits would not outweigh the considerable harm that would be experienced for a substantial time.

22. I acknowledge that the Framework indicates that proposals for sustainable development should be approved as soon as possible. However, in terms of the Framework, sustainable development is made up from the social, economic and environmental aspects of development. In this case, on balance, while noting the social and economic benefits, the environmental harm sways the balance and in my view this is not sustainable development in terms of the Framework. I conclude overall that the proposal would be unacceptable.

Graham Dudley

Inspector

Application No:	3/01/14/011
Parish	Bicknoller
Application Type	Outline Planning Permission
Case Officer:	Sue Keal
Grid Ref	Easting: 311803 Northing: 139027
Applicant	Mr & Mrs J Payton
Proposal	An outline application for the construction of an occupational dwelling.
Location	Quantock Moor Farm, Quantock Moor, Bicknoller, Taunton, TA4 4ER
Reason for referral to Committee	Called in by the Chair and Vice Chair of the Planning Committee

Risk Assessment

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

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

Site Location:

Quantock Moor Farm, Quantock Moor, Bicknoller, Taunton, TA4 4ER

Description of development:

An outline application for the construction of an occupational dwelling.

Consultations and Representations:

The Local Planning Authority has received the following representations:

Bicknoller Parish Council

I write to advise that the Bicknoller Parish Council are in favour of the above application. However, the Parish Council are -

- Concerned that any dwelling should have a tie to the farm's activities [agricultural tie]
- Against residential development outside the village development boundary, with a will to see this as an exception, rather than a precedent, as it is proposed the dwelling will be on the footprint of an existing building.

Highways Development Control

Standing Advice

Quantock Hills AONB

We recognise that the proposal includes the removal of an existing agricultural building to facilitate space for the proposed domestic property and that it is proposed for the property to be located to the southwest of, and immediately adjacent to, the existing cluster of buildings. To this end the proposed building would not extend beyond the existing developed area of the farm. This is preferable to a proposal for a development on undeveloped land (or detached from the existing building cluster) but this is not sufficient grounds for the AONB service to support this application as we have a number of concerns and questions regarding the proposal which are outlined below.

What is the agricultural building currently used for and what makes this expendable such that it can be removed at a time when the applicants are intending to grow their business? The AONB service is concerned that removal of this building will lead to the need for another agricultural building in the future which in turn will lead to the expansion of the developed area of the farm.

The AONB service understands that the existing menage and livery business does not have the necessary change of use from agriculture to equestrian. This comment was subsequently made to West Somerset Council when the previous application for Quantock Moor Farm was submitted in 2012 (at that time for a cattery and mobile home). In respect of the menage and livery business it is unclear why this area of the business (as per the Design and Access Statement) continues as a going concern without the legal consents. Has enforcement action been taken in respect of this matter? The equestrian business should not be accepted as a point of justification for a domestic property at the site when it is an activity we understand does not have the appropriate permissions to be operating at Quantock Moor Farm.

The Design and Access Statement refers to the game hatching and rearing enterprise. The AONB service is concerned that a permanent presence at the site will increase this activity and lead to the block planting of plots - to provide food and cover for the game. If this were to happen, the straight edges and blunt lines of game crops would be visually at odds with the rounded, organic form of the land. Infrastructure (pens and feeders for example) associated with game could also have a very negative impact on the character and visual amenity of the AONB in this area. We understand that this is also not classes as an agricultural use.

We are confused by the access arrangements as these are not marked on to the proposed site plan. Without details of this it is difficult to make a comment but the AONB service would be very concerned about any proposals to cut a new track through farmland/woodland for the purposes of accessing the property as this then significantly increases the influence and extent of the domestication of the landscape.

The AONB service is concerned that residential development at Quantock Moor Farm could significantly intensify the use of the farm (through equine and game rearing uses which are not agricultural use) and that this could adversely affect the character of the landscape and the quality of the visual amenity in this very sensitive area of the Quantock Hills. To this end we feel all the above points need addressing before consideration should be given to the requirement/justification for a residential property at the site.

We trust these comments will be taken into account during consideration of the application

Wales & West Utilities

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter

(GT). Gas pipes owned by other GT's and also privately owned may be present in the area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc. are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Wales & West Utilities have no objections to these proposals, however our apparatus may be at risk during construction works and should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversion works be required these will be fully chargeable.

Public Consultation

The Local Planning Authority has received 11 letters of objection/support making the following comments (summarised):

Objections received;

- I oppose this application as there are an increasing number of applications for dwellings in such area and it is our duty to conserve the beauty of the area for future generations.
- The site stands in an AONB outside the village settlement so surely cannot fulfil any planning criteria.
- There are no details in this outline application re appearance or landscaping, so it is impossible to judge its size or impact.
- The application has been submitted for the growth of the business and the need for a permanent presence at the farm
- In most cases if successful business is hampered by the location it relocates to suitable premises.
- The site was portioned off some years ago from a residence and additional agricultural land without a dwelling therefore the applicants knew the limitations from the start.
- It is unclear there is real need for a residence on the site, there is a small flock of sheep and the acreage available would not allow for an increase in sheep or cattle as well as the use of 10 livery horses and pheasant pens.
- Lambing for a small number of sheep is short term and usually managed by temporary help in shifts in temporary accommodation.
- It is unclear re the effects of the game hatchery as no details are given.
- I have concerns re the businesses listed in the Design & Access Statement and the diverse range based at the site as some of these businesses are agricultural but can find no change of use apart from the livery which was refused and scant details on other enterprises.
- I am concerned about the game bird rearing resulting in large pens/huts being spread over fields for months, some pens are semi-permanent structures -depending on the growth of the size of business.
- The 63 acres of land listed are all at the foot of the Quantocks and the enterprise could be a real eyesore and should not be allowed as part of agricultural diversification in such an area.
- The game processing & hog roasts are food based business and assume a change of use would be required. Such an establishment would need to be registered with the Local Authority.
- If this application succeeds it would be the "thin end of the wedge" and others who

wish to live in the area would also find enterprises which need a dwelling on site.

- The applicants may at some point move on but the dwelling and the precedent would remain for a long time to come.
- As the proposal site is located outside of development limits and where applications are rejected unless exceptional circumstance apply, the question here is are there exceptional circumstances.
- Arguments to support the exceptional circumstances within the submission state that " the site is an unimportant (little seen) part of the AONB and is currently not a thing of beauty and joy forever and the site is only marginally outside the curtilage (development limits) defined in the West Somerset Local Plan".
- The village design statement (agreed by WSC) is a material consideration and under recommendation 7.4 states "The panoramic and rural nature of the views from, and of, the parish and its surrounding countryside should be preserved and, when the opportunity arises, enhanced". The current application does not sit comfortably with that recommendation.
- There is always properties for sale within Bicknoller and no reasons why housing market functions imperfectly in this area and no reason to advance shortage of suitable accommodation as a reason for being unable to develop a business.
- The reputation of the applicant should not depend on the grant of planning permission as the house will remain when the applicants have gone.
- Within this outline application the form in section 18, suggests that any full application will be for a building over 7,500sq feet internally, that seems totally out of scale for its proposed purpose and not trivial in the context of its location.
- The proposed dwelling would neither maintain or enhance the vitality of the rural community and the provision of a dwelling is contrary to national and local policy.
- It would not have any substantive economic or social benefits to justify a dwelling in an unsustainable location.
- The raising of game birds are potentially the most significant. The game breeding, hatching and rearing is a leisure based industry which requires a change of use.
- The land owned and leased consists of open fields and the game hatchery/game bird rearing would have a visual impact.
- The hatching and rearing of game birds with incubator-hatched chicks are then transferred to a brooder system for the first few days of life under artificial heat, the birds are gradually acclimatised from brooder houses to enclosed grass runs and then to released sites. This would mean placing numerous sheds on farm land.
- There could then be issues with odour and with large numbers of birds there are guidelines to deal with waste, dead birds and food to avoid vermin.
- It is also queried the need for a full time residence to be built on site as they use a mobile home/portacabin for the hatching/rearing season (usually May to August) and there are now mobile alarm systems that contact worker by mobile phone should a problem occur with automated systems.
- We should be encouraging local businesses and perhaps it is not for us to say how the applicants should run or extend their business.
- Should the application succeed it could set a precedent to allow building within an AONB.
- We query why a change of use of the land does not form part of this application.
- There was previously an application for a cattery and a mobile home and now this application is for a permanent dwelling.
- The roads are narrow with few passing places with poor visibility far from equipped to come with any additional traffic.
- This application would set a precedent for building along the foothills of the Quantocks.
- It is accepted that minimising livestock loss is important, but farming 100 sheep and possibly some cattle on 63 acres does not result in a sufficient functional need for a

worker to readily be available 24 hours a day.

- Temporary accommodation on site such as a caravan can be used for the lambing/calving period without the need for planning permission and the applicants have used a caravan and room on site for the past 7 years.
- Quantock Moor Farm Cottage (the original house) tied to Quantock Moor Farm was built 300 years ago and Quantock Moor Farm House was then built as residence for agricultural workers/owners at Quantock Moor Farm 35 years ago. The land and yard were divided off some 6-7 years ago and sold to the applicants. Now there is another application for the same reason and if granted how many years before this happens again.
- The applicant show two barns being removed to create the proposal site for the dwelling 823sqm - why so large. One of the buildings to be removed is the poultry shed where it is assumed the hatching and rearing of birds takes place currently.
- If the stables are needed for livery, the barn for sheep/cattle then the pheasant and duck side has no location on site. Does this mean there will be another barn added or a multitude of temporary pens in fields around Bicknoller.
- Highways had real concerns re the state of the lanes when commenting on the cattery application and the application give no indication of the scale and how many additional traffic movements will be generated. The livery has caused quite an increase in traffic despite being refused a lawful certificate.

Comment

- I am baffled by this application as a previous application was for a cattery which was refused and there has been a complete change of business model.
- I do not think this development will harm the AONB (which we should defend), as the dwelling appears to have a relatively small footprint and takes place of an existing building and should not have a negative visual impact on the AONBs green agricultural fringe.
- The development should benefit the business, not affect the nearby SSSI and should foster "the economic or social wellbeing of the locality" and should not result in increased traffic or hazards from vehicles in Bicknoller.
- Concerns over the several caveats and depending on clarification could change my opinion.
- Depending on the scale and type of development and landscaping could infringe on local policies H/2, BD/1, BD/2 and LC/3
- I support the application but reserve final opinion until reservations are lifted and the impact on the AONB is known.
- Friends of Quantock, an independent amenity society's object is to safeguard the landscape and natural environment of the Quantock Hills and monitor applications in AONB and impacts on the landscape. In this case we feel the likely impact could be kept to a minimum but do not have enough information for a considered view.
- We believe the policy restrictions for new dwellings for agricultural workers in the AONB should be strictly applied.
- Agricultural need must be demonstrated by a Agricultural and Business Appraisal referred to in para 3.1 of the DAS but is not publically available and from the information seen, demonstrating an agricultural need may not be straightforward.
- We are not clear about which of the mixed uses of land are defined in agriculture or are lawful uses in order to justify this submission.
- If permission were granted it should be subject to an agricultural occupancy condition, but given the nature of uses such a condition might not be straight forward.
- The site is clearly visible from the AONB hills to the east (from Bicknoller Hill) forming part of an important setting of the hills.

- The reserved scale of the home would need to be justified by the agricultural need, and the form contemplates a 3 bedroom house.
- The preservation and integrity of the AONB should not be compromised further.
- We support the integrity and intent of the applicants.
- Policies and procedures are at the heart of this request and previous application that WSC has, by refusing certain applications for cattery and livery that recognised the need to support the AONB.
- The house will need to be commensurate with the size of the business its supports.
- Rather than the planning officer at WSC making a formal decision on the application as submitted, it would be appropriate to give the applicant the opportunity to provide detailed plans and present them to Planning Committee.
- The site proposed for this building is in an extremely sensitive area and could have a negative impact on views from the scheduled ancient monument of Trendle Ring.
- The cattle enterprise has yet to begin so cannot be considered as part of this evaluation, and it is well established that equestrian business cannot be considered as agricultural activity and simply rearing is not agricultural.
- This leaves only the modest sheep enterprise and small poultry operation legitimately being considered when preparing the appraisal.
- It thus seems extremely doubtful that a clear agricultural case can be made for a dwelling on the holding based on exiting agricultural activity at the site.
- The application is premature in view of the lack of agricultural appraisal, and in view of other non agricultural activity on the holding it seems unlikely that cattle production would be practical or viable without additional land and buildings.

Support

- In view of the sensitive nature of the site a landscape plan is also required to help soften the impact of both the existing complex and a new dwelling.
- I confirm my unreserved support for Mr Payton's application. Quantock Moor Farm, is the last farm in the village and should be encouraged to develop further and prevent the village becoming a dormitory for retired folk.
- Mr Payton is running a mixed agricultural business from the farm and should be encouraged to continue in West Somerset.
- The proposed agricultural dwelling is in a remote area of the farm buildings and can only be seen from 1 property some 200m away.
- Bicknoller Parish Council recently visited the farm recently and discussed the application with the applicant to better understand his needs. Subsequently the Parish Council formally approved the application with no objections.
- The country needs to encourage farming in rural agricultural West Somerset.
- I write in support of the application as in spite of the AONB and village development boundaries the area cannot be maintained in aspic.
- As adjacent landowners we see no detriment to the local area and we do not anticipate increased traffic.
- The Hills are living environment and have supported livestock for generations.
- We all wish to see an increase in tourism and a vibrant economy for West Somerset and this farmer runs a very successful business selling local produce to local people with a high standard of stewardship and animal husbandry and his business brings income to Williton and helps the streetscene.
- Environmentally it will mean that he no longer has to travel so far to either the farm or to Williton thus saving on CO2.
- The rather dated and unsightly looking farm could well do with a new lease of life.
- NFU are please to support our member in his planning application to erect a dwelling on his farm in Bicknoller.
- Substantial investment in the buildings, land and stock have meant the farm

- business requires a dwelling on his land.
- Current welfare codes imposed by DEFRA, EU and by Mr Payton's own high standards require the highest levels of animal welfare to be achieved and is imperative that Mr Payton resides within sight and sound of his livestock to tend to the multitude of tasks demanded by livestock farming such as assisting with lambing and administering medicines.
- The design and location of the dwelling has been made sympathetic to the area.
- We ask that the application is looked upon favourably to support the continued development of this successful rural business.

Planning Policy Context

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006). West Somerset is in the process of developing the emerging Local Plan to 2032, which will replace the strategy and some of the policies within the adopted Local Plan. The emerging Local Plan is at an early stage of production process. It will go to the Publication stage in early 2015 when the contents will acquire some additional weight as a material consideration. Until that stage is reached, policies within the emerging Local Plan can therefore only be afforded limited weight as a material consideration.

The following Policies are considered relevant to this application:

SP/5	Development Outside Defined Settlements
LC/3	Landscape Character
H/2	Agricultural and Forestry Workers Accommodation
E/5	New Business Developments Outside Settlements
E/6	Expansion of Existing Business
W/2	Surface Water Protection
T/3	Transport Requirements of New Development
TW/1	Trees and Woodland Protection
NC/4	Species Protection

National Policy

The National Planning Policy Framework (March 2012) is a material planning consideration.

[National Planning Policy Framework \(the NPPF\)](#) _

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

Local Policy

[West Somerset Local Plan \(2006\)](#) _

[West Somerset Local Plan to 2032 Revised Draft Preferred Strategy \(June 2013\)](#)

[West Somerset Planning Obligations Supplementary Planning Document \(2009\)](#)

[West Somerset Supplementary Planning Guidance: Design Guidance for House Extensions \(2003\)](#)

[Somerset County Council Parking Strategy \(2013\)](#)

[Somerset County Council Highways Development Control Standing Advice \(2013\)](#)

Planning History

The following planning history is relevant to this application:

Case Ref	Proposal	Decision	Decision Date
3/01/11/017	Proposed installation of 74 square metre photovoltaic panels on south west aspect of barn roof	Grant	24/10/11
3/01/12/009	Change of use of lean to for new cattery plus temporary siting of mobile home for a 3 year period	Withdrawn by Applicant	23/07/12
3/01/13/004	Lawful Development Certificate for the existing use of existing buildings, manège and associated land and facilities for equestrian uses including stabling, livery, breeding and keeping horses, the use of the associated land for grazing and production of fodder etc. in addition to agricultural uses.	Refuse	07/10/13

Proposal

The application seeks outline consent for the construction of an agricultural/equestrian workers dwelling.

Site Description

The existing site is a farm unit of approximately 63 acres of land which is both owned and rented and where there are a mix of existing agricultural buildings on the site. The site has been in the applicants control since 2007 with the aim of providing locally home reared produce which is predominantly sold through The Somerset Farm house retail shop in Williton. The current applicants live 11km away in a semi-detached house at Aley, Over Stowey and travel daily to the Quantock Moor.

The existing access to the site is located approximately 800m from the south east of Bicknoller Church and approximately 120m from the eastern edge of the development boundary of the village of Bicknoller, with the nearest buildings being approximately 98m east of the development boundary.

Existing buildings on the site include a range of agricultural buildings clad with corrugated metal sheeting and timber boarding above concrete blocks and painted block workshop building and includes a generator room and general store building, workshop to include a game rearing arrangement, a large general purpose livestock building two blocks of stables and a general purpose building. The latter would be demolished and the new dwelling constructed over its footprint.

Following a visit to the Quantock Moor site there is a range of varying uses taking place as can be reflected in the aforementioned planning history above. At the time of the officer site visit there were only a couple of horses on the site that could only loosely be considered livery. There are 13 stables on site and according to the applicant 11 are used for livery. Indeed the applicant applied for a Certificate of Lawfulness in 2013 for the use of existing buildings, manège and land for equestrian use, and this was refused as the applicant did not provide enough evidence to demonstrate the character, detail and level of intensity of equestrian use carried out at the site over the last 10 years. Therefore there is not a lawful equestrian use on the site.

A previous application for the change of use of a lean to building for a new cattery plus the temporary siting of a mobile home for a temporary 3 year period (ref. 3/01/12/009) was withdrawn by the applicant.

At the time of the planning officers site visit there were no birds being hatched on the site, with only a couple of turkeys and a small flock of pet fowl in an adjoining pasture. It is accepted that the season for rearing game birds may not have started at the time of the site visit and they may now be on site. The applicants have run a successful game hatching and rearing enterprise to supply a local shoot and also have a game dressing enterprise for sale in the Somerset Farmhouse.

The applicants also run a hog roast and barbecue service from the site. This is not classed as an agricultural use and could be located anywhere and not tied to this site, however, the scale of this operation is stated within the business case as "servicing approximately 20 barbecue events from early to mid-summer and 20 hog roasts during mid to late summer each year." This has only recently been established and most of the equipment and roasting machines are stored at Quantock Moor Farm. Preparation and roasting requires regular supervision, and this is considered more than an ancillary operation to the other uses, not all of which are agricultural.

The building annotated as the generator room office and rest facilities have previously been used as overnight accommodation when required, as the applicant lives approximately 11km from the farm in Aley, Over Stowey.

Located within an Area of Outstanding Natural Beauty and area of Special Site of Scientific Interest (SSSI).

Planning Analysis

1. Principle of Development

Paragraph 55 of the National Planning Policy Framework states local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. e.g the essential need for a rural worker to live permanently at or near their place of work in the countryside.

Therefore the main issue for consideration is whether there is an essential need for a worker to be accommodated on the holding. A functional test is therefore undertaken in order to ascertain whether it is essential for the proper functioning of the enterprise for the worker to be readily available at most times, for example if he/she is needed to be on hand day and night. In assessing this, it is necessary to take into account whether the required problems/emergencies are likely to occur during normal working hours (even if these hours are long). If this is the case, emergencies/problems can be dealt with as part of the day to day routine and this does not call for a worker to live on site.

The business is mixed, including agricultural, equestrian, game bird rearing and non-agricultural business such as meat processing. Hog roasts and barbecues.

Within this mixed enterprise, it is acknowledged that there are some elements of the business where emergencies could arise, such as problems with hatching and game bird rearing, however, this element does not have to be undertaken at this site or if that is the intended option there could be the case for remotely monitoring this enterprise whilst living away from the site and therefore a 24 hours presence is not required.

Agriculture

The currently limited number of sheep on the holding (100 ewes) and it is only during lambing season for a period of less than 1 month (28 days) when intervention might be required. The lambing of the ewes is also an element of the business that may require a

worker to be available during the night, but this is a low level and only seasonal and this could be covered by siting a temporary caravan at the site for this period or staying in the existing office and rest room facilities. The lambing of the ewes is also an element of the business that may require a worker to be available during the night, but again this is a low level and only seasonal.

Equestrian

The applicants confirm that the current equestrian/livery use at the site (as per 5.3 in the appraisal) is at the same level as previously undertaken for a period in excess of 10 years. The planning history for the site shows that a certificate of lawfulness for an existing use was applied for in 2013, however, this was refused due to a lack of sufficient evidence to demonstrate the character and level of intensity of the equestrian use and menage at the site over the last 10 years. This refusal has never been appealed or another application submitted to the LPA with the necessary details and therefore no permission for equestrian use at the site has been granted. The Local Authority sought a revision of the title of the application from a proposed occupational dwelling to an agricultural/equestrian dwelling.

Game rearing

It is acknowledged that there is a workload associated with a game rearing business including egg collection, taking eggs to incubators, transferring eggs to the hatcher, transporting birds from the hatchery to rearing houses, selling day old chicks, regular monitoring of birds for disease, feeding, ensuring water is available, maintenance of pens, washing and disinfecting equipment, as well as general husbandry. However, it is considered that the vast majority of the above jobs would be carried out during a normal working day, however long that day may be and would not be carried out during the night.

It is also stated in the Business Appraisal that frequent monitoring is a requirement of the Codes of Recommendation for the Welfare of Livestock published by DEFRA and a 24 hour presence is necessary as gas heaters in the brooder sheds could fail or drinking water could leak resulting in flooding, both leading to mortality.

In addition, a 24 hour presence would deter vermin from attacking the birds and enables any incidents to be dealt with. Little information has been provided about the operation of the rearing part of the business, it is normal to assume that the birds are would be contained within the pens at night to protect them from predators.

It is accepted that birds are reared under heat, however it is not stated that these systems are linked to an alarm and it is not considered that regular checks on the temperature and drinking water would be carried out throughout the night. Further in point 7.8 it is stated that "the premises rely on manually operated temperature and ventilation controls and an automated system cannot easily be operated due to the design characteristics of the buildings". Security and bio-security have also been mentioned as an important concern if no one was living on the site. As such, by virtue of the lack of security of tenure on the land required to operate the business and the likelihood of obtaining consent for a new building that is required to expand the business, it is not deemed that the future business has been planned on a sound financial basis.

However, it is considered that the vast majority of the work/problems/emergencies and supervision can be dealt with during a normal working day, albeit possibly a long working day. It is also pointed out that many game rearing enterprises do not have associated adjacent dwellings on site.

As such, it is not considered that an on-site dwelling is essential to provide an adequate level of welfare for the enterprise. It is also important to note that welfare could be improved

with the introduction of an alarm system, which triggered calls to a mobile phone if temperatures fell/rose to critical levels, enabling a worker to return to the site to check the birds.

The agent confirms by letter received on the 28th February 2015 that the functional need for a dwelling could not be fulfilled by existing dwellings nearby to buy or rent that would meet the sight and sound tests as per point 7.0 in the business appraisal and regular checking of stock.

It is acknowledged that a proportion of dwellings in the vicinity would be beyond the affordability of the applicant and that they are too remote from the site.

When asked why the game rearing business could not be located at the applicant current home in Aley, Over Stowey which is a single dwelling with approximately 1.6 acres of land. The applicant states that whilst it might be physically possible to keep birds on this site, subject to consent, the rest of the business could not be accommodated there. This would also mean the creation of two separate sites that both requiring someone to live on site. For this reason it is suggested that by consolidated activities on one site with a permanent dwelling this would provide supervision viability and sustainability of the existing business.

It is noted within the submitted Agricultural and Business Appraisal that the applicant intends to establish a herd of Dexter or Devon Cattle, expanding the current flock of sheep, expand the game processing and hatching and game rearing enterprises and further develop the hog roast and barbecue business. The applicant would also consider processing local venison and wild boar. This business expansion is proposed on the assumption that the new dwelling is acceptable and is developed at this site.

Meat Processing, Hog Roasts and Barbecue service in conjunction with sales through the Somerset Farmhouse.

This part of the existing business is not an agricultural use and can easily be accommodated elsewhere rather than on the existing site. Therefore this part of the business would not require an associated dwelling.

The submitted financial details as previously mentioned supports the Quantock Moor Farm business although from the figures the farm sales are less than half of the Somerset Farmhouse retail business in Williton. Therefore it is questioned further how viable Quantock Moor Farm would be as a stand-alone operation, especially as the meat processing business, barbecues and hog roasts have only been established in the past two years.

It is suggested in the business appraisal (5,4) Future farming and business policy, that the existing mix of enterprises mean year round employment with the level of business now having reached a level "where it is essential for someone to be readily available on site at most times of the day and night".

This site is located outside of settlement development limits. The provision of an agricultural workers dwelling and farm buildings will need to accord with Policies SP/5, H/2 and paragraph 28 of the NPPF as well as any other relevant policies.

The site does not lie within any development limit and as such is in open countryside where local plan policy SP/5 is the relevant settlement policy. 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."

It is considered that a new dwelling could benefit economic activity if it means that the agricultural business continues. However, this needs to be weighed against other factors, such as need and viability of the site and the dependence on the car for daily living needs. The environmental quality of the area will not be enhanced as the proposed dwelling will be located outside of the defined development limits and although suggested in the submission that the building would be developed over the footprint of an existing general purpose building. The intrusive visual impact in the landscape due to its location and the associated paraphernalia and this could have a negative impact on the existing Area of Outstanding Natural Beauty.

Agricultural appraisal and need.

Policy H/2 also needs to be assessed as the proposal relates to a dwelling for an agricultural worker.

The guidance previously contained in PPS7 has effectively been revoked. The NPPF however, contains a similar set of criteria to that contained within PPS 7, namely paragraph 55 which states that:

"Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as ... the essential need for a rural worker to live permanently at or near their place of work in the country side ..."

The applicant has sought permission based on the fact that the justification for the dwelling is on the basis of bullet point 1 of Paragraph 55 which allows an exemption for *"the essential need for a rural worker to live permanently at or near their place of work in the countryside"*.

Also relevant within the NPPF are paragraphs 19 (Sustainable Development) that considers the need for significant weight being placed on the need to support economic growth and not impede it, and also paragraph 28, (Supporting a prosperous rural economy) related to supporting sustainable growth and expansion of all types of business and enterprise in rural areas.

When considering the issue of need, PPS 7 Annex A was previously the key Policy consideration in the determination of applications and associated appeals when considering the functional need for a dwelling to be located on site and also the level of financial viability of the business. Whilst this approach has now been withdrawn it was an appropriate way of assessing applications and has been accepted in numerous appeals. Annex A contained 6 key criteria relevant to this proposal:

1. A clearly established existing functional need for a dwelling.
2. The need should relate to a full time worker.
3. The unit and business activity should have been established for at least 3 years, has been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so.
4. The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation.
5. The size of the dwelling is commensurate with the established functional needs of the

holding and the cost of constructing the dwelling should be in line with the income from the business.

6. The dwelling should be well related to existing buildings or other dwellings.

An Agricultural and Business Appraisal (prepared by Smiths Gore) dated December 2014 has been submitted to support the application in which the agents state that the functional justification within the report supports the case that "the applicants have established a variety of farming and diversified rural enterprises at Quantico Moor Farm that have led to the continued growth and expansion of the business since 2007. This includes a significant development in 2014 was the expansion of the game processing enterprise, due to the retirement of a competitor.

The agent states within the Design and Access Statement (1.3) that the applicants purchased Quantock Moor Farm in 2007 and have subsequently grown the business in order to provide locally home reared produce predominantly sold through The Somerset Farmhouse in Williton. Further (1.6) it is stated that the success of the existing business is based on the synergy between the component parts.

With regards to functional justification, a variety of farming and diversified rural enterprises has led to the continued growth and expansion and (3.3) the combined requirements of farming and processing has created a need for someone to be on hand at most times of the day and night. It is further stated that the provision of a dwelling will enable the applicants to further increase the scale of the existing business by increasing the size of the sheep flock and establishing a small beef herd.

The submitted Assessment of functional need relating to the existing business is based on the existing range of enterprises and the labour requirements for the total farm enterprise and states that the Labour requirements for the existing enterprises equates to a total of 1.44 units or put simply 1.4 persons which as per point 6.2 in the appraisal has been met by the applicant and overtime by another family member when required with Contractors being employed for round bailing operations only.

Financial accounts have been supplied to the Local Planning Authority for the years 2012 – 2014 due show a continued yearly increase, however, the Income is show as being split between the Farm Sales and the Somerset Farmhouse with the farm sales being less than half of the Somerset farmhouse figures although the two are inextricably linked.

It is accepted that in paragraph 19 (Delivering sustainable development) within the NPPF guides that significant weight should support economic growth and paragraph 28 (Supporting a prosperous rural economy) also guides that economic growth in rural areas to create jobs and prosperity and take a positive approach to sustainable new development to promote a strong rural economy. This includes all types of business and enterprise in rural areas however this should not be at the expense of the need to conserve or enhance the natural environment (para 109) or be against local policy

The scheme therefore represents an unjustified dwelling outside of settlement limits, increasing the need to travel by private car. As such, the proposal is contrary to Policies SP/5 (Outside Defined Settlement Limits), H/2 (Agricultural and Forestry workers dwelling), E/5 New business developments outside settlements, T/3 (Transport requirements of new development) and Paragraph 55 of the National Planning Policy Framework 2012.

In summary, as previously stated, there are several different enterprises being operated on the site, and whilst it is acknowledged that the combination of the enterprises, could create a

functional need, it has not been adequately proven that it is essential to the proper functioning of the enterprise for a worker to live on site. As a result, a clear functional need has not been proven and there is therefore no other option than to recommend the application for refusal.

2. Character and Appearance of the Area

The proposal site is located within an Area of Outstanding Natural Beauty and close to an area of Special Landscape Character.

Quantock Moor Farm is access via a private track from Trendle Lane towards Long Combe. Also located higher up the track are the properties known as Quantock Moor Cottage and Quantock Moor Farmhouse. It is likely that this was the original Farmhouse associated with the land.

Design – General

Policies BD/1 and BD/2 of the Local Plan requires that development is sympathetic in scale to the surrounding built development and open spaces in terms of layout, design, use of materials, landscaping and use of boundary treatments. It should be noted however, that this proposal is for Outline consent only and that no details of the design size or materials of the proposed dwellings have been submitted and would be subject of a further Reserved Matters application if the Outline was approved.

Landscape/ Visual Appraisal

The site is located close to a Special Landscape Area and as such Policy LC/3 is relevant. Also close to the site is a SSSI designation known as The Quantocks.

No details of the dwelling in terms of size and massing have been submitted and this Outline proposal only seeks consent for the siting of the proposed dwelling only. It is therefore difficult to quantify at this stage how large an impact a new dwelling in this location would be. A detailed landscaping scheme is reserved at this stage, however, with the intention of using the footprint of a currently existing general purpose building the agents state that no specific landscaping is considered necessary.

3. Residential Amenity

Again as this is an outline scheme and therefore it is difficult to gauge the impact on residential amenity that the proposed new dwelling would have.

There would be an increase in vehicle movements using the site (typically 6 -8 movements for a single dwelling)as these would be added to associated farm vehicles to and from the site.

Several comments have been received from the local community raising concerns of;

- The increasing number of new dwellings in the area and a duty to conserve the beauty of the area for future generations.
- There are no details re appearance, landscaping or size so it is impossible to judge the impact, the site is clearly visible from Bicknoller hill and AONB hills to the east..
- The application has been submitted to support the growth of the business, if hampered by the location the business should relocate.
- The site was portioned off from the original residence some years ago and therefore the applicant knew that there was no accommodation with the land.
- The need for the residence is unclear as there is a small flock of sheep. The acreage would not allow for an increase in sheep, cattle, livery and pheasant pens.
- If permission is granted the dwelling should be agriculturally tied.

- The house would need to be commensurate to the size of the business.
- Rather than the planning officer making the decision the application should be presented to planning committee.
- The cattle business has not started, the equestrian business is not agricultural and game rearing is not agricultural therefore it is doubtful an agricultural need can be demonstrated.

4. Highway Safety

General

Paragraph 32 of the NPPF makes it clear that decisions should take into account whether a safe and suitable access to the site can be achieved.

One of the core principles for the planning system in paragraph 17 of the NPPF is to focus significant development in locations which are or can be made sustainable. Planning policies should also aim for a balance of land uses so that people can be encouraged to minimise journey lengths (paragraph 37).

As this proposal seek consent for one single dwelling the Area Highways Authority have sent Standing Advice comments as access to the development is via a private access from an un made track from Trendle Lane towards Long Combe above, therefore the development would not be considered by the Highway Authority to have a significant impact on the highway network.

Environmental Impact Assessment

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 and so Environmental Impact Assessment is not required.

Conclusion and Recommendation

It is considered that the proposal, is unacceptable and it is recommended that Outline Planning Permission be refused.

Reason for Refusal :

The site lies in a countryside location, where the policy of the Local Planning Authority resists new housing development unless it is fully demonstrated that the proposal serves a genuine agricultural or other appropriate need. Whilst the business being operated from the site comprises of a mix of enterprises, the overall business appears to be of a nature where the vast majority of the work can be carried out during part of the normal working day (however, long that day may be). As such, it has not been proven beyond doubt that there is an essential need for a worker to live permanently on the site and the proposal therefore represents an unjustified dwelling in the countryside and is contrary to local planning policies SP/5 (Outside Defined Settlement Limits), H/2 (Agricultural and Forestry workers dwellings) and paragraph 55 of the National Planning Policy Framework 2012.

Notes

- 1 The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.

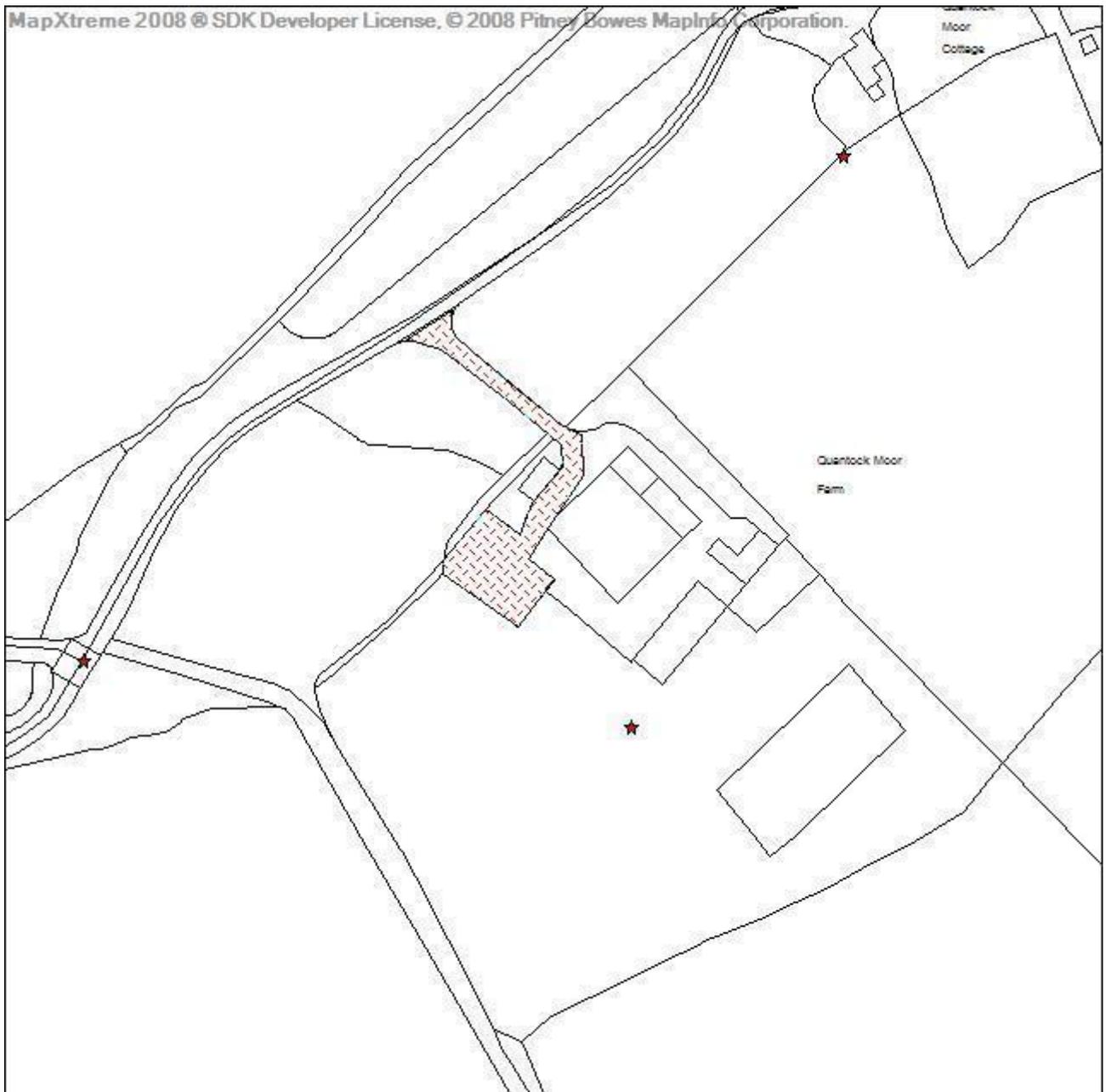
2 **STATEMENT OF POSITIVE WORKING**

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 choose 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.

- 3 This decision relates to Drawing Numbers: Location plan, dwg. no. PAY/001 and Proposed site plan, dwg. no. PAY/003 and Agricultural Business Appraisal, (Smiths Gore) dated December 2014. received on 06/01/15 only.



Application No 3/01/14/011
Erection of occupational dwelling.
Quantock Moor Farm, Bicknoller
06/01/2015



Planning Manager
West Somerset Council,
West Somerset House
Killick Way
Williton TA4 4QA

West Somerset Council
Licence Number: 100023932

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Easting:311803 Northing: 139027
Scale: 1:1250

Delegated Decision List

Ref No.	Application	Proposal	Date	Decision	Officer
3/01/15/001	Chapmans Combe Bungalow, Culverhays Lane, Crowcombe, TA4 4BG	Demolition of existing garage and erection of new garage and store	03 March 2015	Grant	SW
3/07/15/001	Lower Stream Farm, Stogumber, Taunton, TA4 3TR	Conversion of an existing games room and store to an annexe building for dependant relatives and carer.	13 March 2015	Grant	SK
3/17/15/001	Watercombe House, Scott's Hill, Huish Champflower, Taunton, TA4 2EE	Demolition of single wooden garage and replacement with double stables and associated store	06 March 2015	Grant	SK
3/21/15/003	Whitegate House, Whitegate Road, Minehead, TA24 5SS	Conversion of two 2-bed flats into one 4-bedroom dwelling and alteration to existing garage including provision of a pitched roof.	03 March 2015	Grant	SK
3/21/15/004	Dusk, Hopcott Road, Minehead, TA24 5SX	Raise the height of the principal gable and convert a section of the existing loft plus erection of a porch extension and converting the existing garage into habitable accommodation.	02 March 2015	Grant	BM
3/26/15/001	2 Binham Cottage, Old Cleeve, MINEHEAD, TA24 6HU	New vehicular access with off street parking and the change of use of part of a	16 March 2015	Grant	SK

paddock from agricultural to residential use.

Ref No.	Application	Proposal	Date	Decision	Officer
3/26/15/003	35A Cleeve Park, Chapel Cleeve, Nr Minehead, TA24 6JD	Installation of twin wall chimney flue stack	10 March 2015	Grant	SW
3/31/15/001	Smokey Hole, Castlake Lane, Stogumber, Somerset, TA4 3TT	Erection of a detached two bedroom dwelling on the former site of 'Smokey Hole' (former dwelling that was believed to have been destroyed by fire in the early 1900's)	04 March 2015	Refuse	EP
3/36/14/004	Lowtrow Cross Caravan Site, Village Hill, Upton, TA4 2DB	Change of use of land for siting of up to 6 caravans for seasonal use.	17 February 2015	Grant	SK
3/37/14/024	1 Seaview Terrace, Watchet, TA23 0DF	Replacement of one double-glazed timber sash window with one single-glazed timber sash window plus replacement of an unopenable timber single-glazed casement window with an openable timber single-glazed casement window.	02 March 2015	Grant	EP
3/39/15/001	Tropiquaria, The Old Radio Station, Washford Cross, Watchet, Somerset, TA23 0QB	Construction of play fort on picnic lawn	06 March 2015	Grant	TW
C/02/14/004	The Old	Approval of details	05 March	Grant	CM

Farmhouse,
Courtlands Farm,
Brompton Ralph,
Taunton, TA4 2RS

reserved by condition 2015
4 (relating to visibility
splays) condition 5
(relating to provision
of drainage) and
condition 6 (relating
to consolidation of
the first 5 metres of
the access) relating
to planning
permission
3/02/13/009

Ref No.	Application	Proposal	Date	Decision	Officer
C/37/14/002	Existing garage site, East side of Reed Close, Watchet, TA23 0EE	Approval of details reserved by condition 3 (relating to materials) and condition 7 (relating to surface water drainage) in relation to planning permission 3/37/14/011	12 March 2015	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
C/37/15/001	Existing garage site, West side of Maglands Road, Watchet, TA23 0EB	Approval of details reserved by condition 6 (relating to surface water drainage) in relation to planning permission 3/37/12/012	12 March 2015	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
C/39/15/003	Stuckeys Coach House, High Street, Williton, Taunton, TA4 4NW	Approval of details reserved by condition 4 (relating to materials) in relation to planning permission 3/39/12/005	12 March 2015	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
CA/21/15/005	Pavement at 9 The Parade, Minehead, TA24 5NL	Fell Lime (T1)	04 March 2015	Raise No Objection	DG

Ref No.	Application	Proposal	Date	Decision	Officer
CA/26/15/001	Orchard House, 15 Old Cleeve, Minehead, TA24 6HJ	Fell Silver Birch (T1) and Horse Chestnut (T2)	04 March 2015	Raise No Objection	DG

Ref No.	Application	Proposal	Date	Decision	Officer
T/07/15/001	2 Kings Acre, Crowcombe Heathfield, Taunton, TA4 4BX	Works to 9 Sycamores trees	04 March 2015	Grant	DG