

## PLANNING COMMITTEE

THURSDAY 28 AUGUST 2014 at 4.30pm  
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

### AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 31 July 2014 - **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: FOUR**

**Date: 19 AUGUST 2014**

<u>Ref No.</u>	<u>Application/Report</u>
<b>3/21/14/068</b> Full Planning	Minehead Seafront opposite Minehead Railway Station, Minehead Erection of a clock tower to height of 5.90m (amended scheme to 3/21/11/017)
<b>TPO T3/123</b>	Central Green Area at Hagley's Green, Crowcombe Emergency TPO in Conservation Area
<b>ECC/EN/14/00091</b> Enforcement	Kiln Cottage, Kilve, Bridgwater Reduction of walling and peers to a height which is permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended)
<b>ECC/EN/14/00090</b> Enforcement	Red Park Equestrian Centre, Egrove Way, Williton Industrial Estate, Williton, Taunton Removal of a mobile home

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

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

8. **Appeals Lodged**

Appellant	Proposal and Site	Appeal Type
Mr D Hunt	Bridge Garage, 1 Swain Street, Watchet Proposed covered storage area and balcony (resubmission of 3/37/13/014)	Written Reps

9. **Appeals Decided**

Appellant	Proposal and Site	Outcome
Mr B Norman	Higher Beverton Farm, Brendon Hill Certificate of Lawful Use or Development For Retention as an Open Market Dwelling	Dismissed 15 August 2014

## RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

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

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

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

## PLANNING COMMITTEE

### Minutes of the Meeting held on 31 July 2014 at 4.30 pm

#### **Present:**

Councillor A F Knight ..... Chairman  
Councillor I R Melhuish ..... Vice Chairman

Councillor A P Hadley  
Councillor E May  
Councillor M A Smith  
Councillor K H Turner

Councillor B Heywood  
Councillor L W Smith  
Councillor A H Trollope-Bellew

#### **Officers in Attendance**

Assistant Director, Planning & Environment – Tim Burton  
Area Planning Manager – Bryn Kitching  
Principal Planning Officer - Liz Peeks  
Planning Officer - Lisa Bullock  
Planning Officer - Sue Keal  
Committee Administrator – Sarah Wilsher  
Legal Advisor – Martin Evans - Mendip DC

#### **P139 Apologies for Absence**

There were apologies for absence from Councillors G S Dowding, K Mills, C Morgan, S J Pugsley, D D Ross.

#### **P140 Minutes**

**RESOLVED** that the Minutes of the Planning Committee Meeting held on 26 June 2014 circulated with the Agenda be confirmed as a correct record. Proposed by Councillor K Turner and seconded by Councillor E May and all present voted in favour.

#### **P141 Declarations of Lobbying**

Name	Min No	Ref No	Application	Persons Lobbying
Cllr A Hadley	P144	3/21/13/120	Land at Hopcott Road, Minehead	Objectors
Cllr A Knight	P144	3/21/13/120	Land at Hopcott Road, Minehead	Objectors
Cllr I Melhuish	P144	3/21/13/120	Land at Hopcott Road, Minehead	Objectors

#### **P142 Declarations of Interest**

Name	Min No	Ref No	Application	Interest
Cllr A H Trollope-Bellew	P144	3/39/14/018	The Orange Pip, 4 Fore Street, Williton, TA4 4PX	Personal

#### **P143 Public Participation**

P144	3/21/13/120	Land at Hopcott Road, Minehead	Mr P Grubb	Applicant's Agent	Supporting
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## **P144 Town and Country Planning Act 1990 and Other Matters**

Report Three of the Planning Team dated 22 July 2014 (circulated with the Agenda).

The Committee considered the reports, prepared by the Planning Team, relating to plans deposited in accordance with the planning legislation and, where appropriate, Members were advised of correspondence received and subsequent amendments since the agenda had been prepared.

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

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

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

#### **3/21/13/120      Land at Hopcott Road, Minehead**

Outline application (with all matters except access reserved) for residential development up to 71 dwellings (including 35% affordable housing), access, landscaping and associated works.

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

- The Committee's request for a masterplan for the wider site at Hopcott Road and how this site would fit into the bigger picture was considered unreasonable and the applicant would like to see this request dropped.
- The applicant's willingness to discuss the affordable housing mix.
- The community and recreation contribution of £5,000 per dwelling was not a final offer, however the applicant would like evidence to justify the £10,000 per dwelling sought by the Council.
- The need for a viability report was considered to be a separate issue.
- The willingness of the applicant to work with Council to resolve issues.
- A paper copy of the appeal statement had been sent to the Planning Inspectorate which, when received, should make the appeal for non-determination valid.

#### **The Members debate centred on the following issues:**

- Whether the application could be decided or not
- Whether a monetary contribution was required towards Education/Schools
- The difficulty of looking at this application in isolation
- The need for the land to be used efficiently
- The lack of a masterplan for the wider Hopcott Road site
- Whether the request for an EIA screening opinion in relation to a possible future application for 320 dwellings on part of the wider Hopcott Road site could be taken into consideration
- The siting of the affordable housing shown on the illustrative site plan
- The need for a bus route
- The consideration of the development as unsustainable.

The Committee asked if the application could be determined. Martin Evans stated that as the application had gone to appeal it was not advisable to do so.

Cllr E May put forward a motion that the officer's recommendation be accepted – that the only area of dispute was the detail of the Section 106 and that negotiations were undertaken with the agent. This was seconded by Cllr A H Trollope-Bellew.

Cllr A Hadley put forward an amendment that the non-provision of a masterplan was an additional area of dispute. Cllr E May and Cllr A H Trollope-Bellew expressed acceptance of the amendment and this became the Substantive Motion. A vote was taken on the Substantive Motion and it was agreed (six in favour and 3 against) that the areas of dispute for the appeal were the detail of the Section 106 and the non-provision of a masterplan for the wider site at Hopcott Road.

**3/21/14/062 Townsend House, Townsend Road, Minehead, TA24 5RG**  
Erection of a historical information plaque on the front of the building.

Councillor I Melhuish proposed and Cllr E May seconded a motion that the application be **APPROVED** in accordance with the Officer's recommendation.

All Members present **VOTED IN FAVOUR** of this motion.

**3/37/14/012 28 Reed Close, Watchet, TA23 0EF**  
Erection of rear and side single storey extensions and associated works.

**The Members debate centred on the following issues:**

- Whether there were any overlooking/neighbour issues.
- The purpose of the 'wraparound' part of the extension.

Councillor K Turner proposed and Cllr B Heywood seconded a motion that the application be **APPROVED** in accordance with the Officer's recommendation.

All Members present **VOTED IN FAVOUR** of this motion.

**3/39/14/018 The Orange Pip, 4 Fore Street, Williton, TA4 4PX**  
Reinstating 3 and 4 Fore Street as two retail units plus change of use to one retail unit (class A1) and one café (class A3) respectively (retrospective).

**The Members debate centred on the following issues:**

- Concern that it was a retrospective application.
- Loading/unloading at the front of the buildings causing traffic problems in Fore Street.

In line with late correspondence received B Kitching advised that, if approved, the condition relating to the opening of the units would be amended to allow the use from 7.30am rather than 8am.

Councillor E May proposed and Cllr K Turner seconded a motion that the application be **APPROVED** in accordance with the Officer's recommendation.

All Members present **VOTED IN FAVOUR** of this motion.

#### **P145 Exmoor National Park Matters**

The Chairman read a report by Cllr S Pugsley on matters relating to West Somerset considered at the last meeting of the Exmoor National Park Planning Committee. This included:

- Proposed extension to include additional dining and drinking spaces, toilets and a village shop, and demolition of existing outdated extensions. (Full) – Notley Arms, Monksilver. (Approved).
- Depositing and spreading topsoil (Prior Approval) – Armour Lane, Exton. (Approved).

- Proposed resurfacing of agricultural track (Full) – Drift Lane, Goosemoor Farm, Wheddon Cross. (Approved).
- Proposed installation of an air source heat pump to the Committee Room (Full) – Exmoor House, Dulverton.. (Agreed by the Members and forwarded to the Secretary of State for determination).

#### **P146 Delegated Decision List**

Queries were raised on the Delegated Decision List, as follows:

- 3/04/13/010 - Erection of temporary agricultural dwelling at Allshire, East Anstey, Tiverton, EX16 9JG. The reasons for refusal were requested by the Committee and provided by Elizabeth Peeks.
- 3/26/14/010 – Erection of dwelling at Wood processing yard near Merry Oaks, Washford, TA23 0LB. The reasons for refusal vis-à-vis sustainability were queried by Members and clarification provided by Elizabeth Peeks and Tim Burton.
- ABD/17/14/001 – Prior approval of proposed change of use of agricultural building to a dwellinghouse at West Shute Farm, Huish Champflower, TA4 2HB. Cllr K Turner was pleased to see this refusal, but expressed concern that the mobile home was still on the land despite the enforcement notice. He urged that it be removed whilst it was empty. Bryn Kitching agreed to check the enforcement notice dates and to respond to the Planning Committee on this issue.
- 3/39/14/013 – Erection of building for storing agricultural and forestry machinery and log store on land to the north of Red Park Equestrian Centre, Egrove Way, Williton, TA4 4TB. It was noted that the Council had control over the siting and external appearance of a proposed agricultural building submitted as a prior approval, but not the principle of development.
- ABD/31/14/001 – Prior approval of proposed change of use of agricultural building to a dwellinghouse. It was noted that if there were more than three converted units within the holding no more conversions were allowed under a prior approval submission. The members felt that further consideration as to whether pole or dutch barns could be converted to dwellings under the prior approval scheme was needed to ensure consistency between local planning authorities.
- Cllr E May asked that applicant names be included in the Delegated Decision List and Weekly List in line with Exmoor National Park's lists.

#### **P147 Appeals Lodged**

<b>Appellant</b>	<b>Proposal and Site</b>	<b>Appeal Type</b>
Mrs P Gibbons	Erection of a steel shed to house a biomass boiler plus chimney (Enforcement Notice Appeal) Site at Staple Farm, West Quantoxhead	Hearing
Mr B Smith	Installation of 3.84kw solar pv system to front roof of property facing highway 7 Summerland Avenue, Minehead	Written Reps
Mr M Willis	Erection of a detached three bed dwelling Site at 2 Avis Hill, Washford, Watchet	Written Reps
Williams Partnership	Outline application (with all matters except access reserved) for residential development up to 71 dwellings (including 35% affordable housing), access, landscaping and associated works Land at Hopcott Road, Minehead	Hearing

**P148 Appeals Decided**

<b>Appellant</b>	<b>Proposal and Site</b>	<b>Outcome</b>
Dr P Rawson	Two bedroom house with car parking at 9 Copse Close, Watchet	Dismissed 18 June 2014
Mrs A Stapleton	Single storey timber outbuilding at St Nicholas Church, Cross Elms Hill Kilton, Bridgwater	Dismissed 27 June 2014

**P149** The Committee asked to see quarterly performance figures. It was noted that the decision target rate had dropped in recent months following the loss of staff. Agency staff were now being looked into as a 'stop-gap' until the new joint structure would be in place in February 2015.

The meeting closed at 5.49 pm

<b>Application No:</b>	<b>3/21/14/068</b>
<b>Parish</b>	Minehead
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Lisa Bullock
<b>Grid Ref</b>	
<b>Applicant</b>	Mrs Bainbridge Jubilee Clock Tower Committee
<b>Proposal</b>	Erection of a clock tower to height of 5.90m (amended scheme to 3/21/11/017)
<b>Location</b>	Minehead Seafront opposite Minehead Railway Station, Minehead,TA24 5RG
<b>Reason for referral to Committee</b>	At the request of a Member due to significant public interest.

### 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:

Minehead Seafront opposite Minehead Railway Station, Minehead,TA24 5RG

### Description of development:

Erection of a clock tower to height of 5.90m (amended scheme to 3/21/11/017)

### Consultations and Representations:

The Local Planning Authority has received the following representations:

#### ***Minehead Town Council***

No comments received.

#### ***Highways Development Control***

No comments received.

#### ***West Somerset Watchdogs***

I am writing in support of the above amended application for the erection of this clock tower opposite Minehead Railway Station as I feel it would be a great asset, being both attractive and practical. This proposed clock is situated in a prime position and complements the railway in all respects.

I have every confidence that the clock movement will be of such quality that it will faithfully record the correct time, at variance with the Town Hall clock which, for a very long time now, has been notorious for its inaccuracy.

Minehead has little of interest and us in this present time to attract visitors to this area, in

complete contrast to this once lovely town in its heyday. That being the case I feel that the clock will go some way to restoring a little of that lost quality and elegance that Minehead and the sea-front in particular were once noted for, but which is now sadly lacking.

### *Public Consultation*

The Local Planning Authority has received 25 letters (12 objecting and 13 in support) making the following comments (summarised):

### Objection

- This 'clock tower' will detract from the possibilities of a prime area of the town which currently provides a wonderful opportunity for development of a community facility.
- It will add nothing to the town and is out of keeping with the design of the lamp standards along the seafront which have a modern look to them while this is Victorian.
- It does not resemble the original idea for which donations were collected.
- It will add one more item of no outstanding merit to an area already suffering from a mess of assorted street junk.
- It is being imposed on the people of Minehead who have not been consulted about the plans for this.
- A clock tower of any sort is superfluous and adds nothing to the seafront environment which needs a co-ordinated approach to gradually create a feature area.
- The design neither fits in with the locale or represents a worthwhile first step in creating a new identity. In my opinion it fails on both counts.
- It would be another 'eye-sore' on our seafront.
- A total waste of money, out of character with the town and not needed.
- This clock tower looks a disgrace you may as well just get a lamp post and put a clock on it.
- It is nothing like the original idea where a seating area was available.
- Our town needs updating not going back to Victorian times.
- Another obstruction to the already cluttered seafront area and would be dangerous to partially sighted or blind persons.
- The area on the seafront is clogged up with objects and there is no thinking about adding value to the area.
- We do not need a clock on the seafront where the available space could be used up so much more fruitfully.
- It is way too late for the Jubilee.
- If a clock is to be erected there then it would be better if it were a digital one and one that changes to show temperature, wind speed/direction etc and maybe even a laser attached the beams down on the sea forming different patterns.
- It is of no aesthetic or practical value.
- When this project was announced to commemorate the jubilee it was greeted with a distinct lack of enthusiasm by the public. Now that the jubilee has passed by (by two years) it is simply a joke. Of all the things that Minehead desperately needs a plastic, faux Victorian vanity project is not one of them.
- The location is proposed within the Wellington Square Conservation Area of Minehead, and therefore should be compatible with the preservation or enhancement of the architectural and historic character or appearance of the conservation area. The design looks to be of loose Victorian influence however it does not respond directly to the heritage features of the conservation area and is not locally distinctive - rather it seems an off-the-shelf response. The materials proposed are green paint, gold leaf, brick and cobbles. Whilst the green paint has been used for the new signs in the town, these are clearly modern and not also seeking to be heritage in appearance and therefore use of green paint here I do not think is not appropriate. I am not aware that gold leaf, brick or Teluga cobbles are characteristic of the conservation area. The clock tower will occupy a space providing a key access hub for the town between the train station, the beach hotel,

Butlins, the harbour and the avenue. As such it is important that it contributes to the conservation area, either by being more locally distinctive and representative of the heritage of Minehead, or more overtly contemporary so as not to detract from the heritage assets and to demonstrate a modern Minehead looking forward. The current design does neither. Without the bench, and considering that the majority of the public have an alternative method to tell the time, the clock tower should be considered on the basis of its merits as a public piece of art alone of which I do not consider it to be a good example.

- It is not a clock tower. The previous version which is not the subject of this application was a clock tower. This is a Pillar Clock described as such by the manufacturers. The manufacturers also state that the clock casing is made of fibreglass. This is not a traditional material of the period the clock is meant to represent and is used to cut costs. The design of the clock does not represent a style current during the 60 year period in which Queen Elizabeth has been monarch. In short it is a cheap, plastic, pseudo-Victorian, replica pillar clock; a feature for the town that the Minehead Conservation Society should be opposing rather than promoting. The plan is to site it less than 100 yards from the imaginative and substantial brick built sundial feature installed by West Somerset District Council to mark the Golden Jubilee of the queen. In comparison to the proposal the sundial is up to date and a quality installation.

### Support

- It will enhance the area and provide a very useful service for people using the beach. If you are playing, swimming or lounging you need to know the time. People may choose not to take valuables on the beach.
- Minehead needs more public clocks and this will provide one.
- We need to celebrate Minehead and this can only encourage people to visit.
- A substantial number of Minehead residents have subscribed directly, and many more have attended and supported fund-raising activities, to enable its construction.
- The Queen's Diamond Jubilee is a historic and unusual event which should be marked accordingly and it has via similar schemes throughout the country.
- Not only will it very appropriately and justly mark the Diamond Jubilee of a Queen who has served our country in an exemplary way for a very long time, but it will replace a facility which, many years ago, used to exist on the sea front to the east of the proposed location.
- The proposal for a simple and tasteful clock to be erected, I believe it will add to the character of the sea front and provide a further point of interest.
- Many people have contributed to the scheme both financially and in other creative ways and I sincerely hope the council will comprehend the importance of this sense of community and civic pride.
- The revised design with its single column and circular plinth is simple and clear cut and will provide an attractive focal point opposite the station entrance.
- Minehead seafront has had an increasingly neglected air over the past few decades due to lack of funding. In it's heyday, from Victorian to Georgian, crowds would alight from the railway and promenade along the seafront and enjoy the well-kept gardens and local architecture. The new design of this clock tower reflects this golden age, whilst blending in with the present local surroundings.
- A public clock is a traditional gift from a town to show appreciation, support and love for the Monarch. Minehead, happily, is a traditional seaside town and the proposed clock seems entirely appropriate.
- The design is a tried and tested one that has been approved in other conservation Areas. its slim and elegant line will blend well with the Victorian buildings of Minehead's Heritage Railway.
- I can see no valid reason for refusing it. The claim that it is a waste of money is not a planning consideration it is ludicrous because all the money collected is from public

subscription.

- I will provide a valuable meeting point on the seafront.
- If its colour co-ordinated with the heritage lamp posts already enhancing our streets it will fit in well.
- Build it. The seafront needs more focus.
- Very few, if any new projects like this are happening to counter the gradual decline in other facilities. May this new clock commemorating the Queen's Diamond Jubilee be just the start in reversing the current trend of everything closing down in our town and return the feel good factor to residents and visitors alike.
- My family has been in Minehead for over 100 years and have played a prominent part in the development of Alcombe and Minehead and I know that they would all be proud of this proposal.
- Hard work was required to raise the funds for the project, and to see the completion of the work would make it all worthwhile and a new landmark on the promenade.

### 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 late Summer 2014 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/1 Settlement Hierarchy
- SP/2 Development in Minehead and Rural Centres
- CA/1 New Development and Conservation Areas
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- W/6 Flood Plains

### 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:

3/21/11/017	Erection of a clock tower to height of 8.5m	Grant	04/04/2011
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## **Proposal**

The application is for the erection of a 5.6 metre high clock tower standing on a 0.18 metre high brick circular base which has one step, the total height of the clock tower and base will be 5.78 metres.

The base is 3 metres in circumference edged with a brick plinth, two brick deep with cobbles filling the centre. The clock tower will be finished in green and the clock face and hands finished in 23 ½ carat gold leaf on a powder coated metal base.

## **Site Description**

The siting of the proposed clock tower is within Wellington Square Conservation Area on the seaward side of Warren Road. This section of the promenade is in the region of being 14 metres wide at its widest part. To the west are the open shelters (timber framed and a hipped roof with plain tiled roofs). The sea wall to the north is about 1.2 metres in height and built of natural stone. Along the sea front there are lighting columns. The columns nearest the sea wall are 6m high (Up lighters with reflectors above), whereas the lights alongside the road are approximately 8m tall. These columns are of a modern design whereas the shelters are more traditional in appearance.

## **Planning Analysis**

### *1. Principle of Development*

The proposed structure is to be sited within the development boundary of Minehead on the main sea front area where this type of structure is appropriate.

In 2011 planning permission was granted for the erection of an 8.5 metre clock tower in the same location. This permission has now expired. The structure approved was of modern design in the form of a clock situated on four stainless steel poles, positioned around a central column. The four white clock faces were to be illuminated and around the base of the structure would have been a circular seating area.

### *2. Character and Appearance of the Area*

The site proposed to erect the clock tower is within Wellington Square Conservation Area. Policy CA/1 of West Somerset District Local Plan ensures that development within a conservation area will only be permitted if it's compatible with the preservation or enhancement of the architectural and historic character or appearance of the conservation area.

The promenade has a mixture of modern and traditional fixtures, this proposal is of traditional design which will not look out of place amongst the traditional style shelters.

The applicant has chosen the colour green for the finish of the tower to match the more traditional style of lighting within the town. In this location the lighting is of modern design, even so, as the structure is of traditional design, a colour to match the traditional lighting is appropriate.

The proposal is in keeping with the architectural features of the area and does not detract from existing landscape elements or buildings, as such the proposal does meet the requirements of policy CA/1 of the local plan.

### *3. Residential Amenity*

There are no nearby residents materially affected by the proposed clock tower, although some will have distant views of the structure.

#### *4. Highway Safety*

The site is located on the highway but it is a pedestrian area. The Highway Authority did not object to the previous application but we are still awaiting comments from them on this application.

#### *5. Flood Risk*

The site is located within zone 3 which has the highest risk of flooding. The flood risk assessment submitted with the application states that the tower will withstand some flooding and any damage will be easily repaired if necessary.

#### *6. Other Implications*

Comments have been raised objecting and supporting the scheme. Many comments allude to the design of the structure both in favour and against. Supporters suggesting that the clock tower is of a Victorian design which fits into the conservation area and compliments the railway across the road. Objectors think a more modern substantial structure would represent a more current style. This application has to be considered on what has been submitted, a different option cannot be contemplated.

Other comments relate to the fundraising for the project. The Local Planning Authority cannot judge the merits of the project in terms of best value as this is not a material planning consideration.

Objectors conclude that there is no need for a clock, whereas supporters suggest that it would be an asset to users of the seafront.

There are balanced objections and support for the proposal.

#### **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 acceptable and it is recommended that planning permission be granted.

#### **Planning Permission is subject to the following conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004 and to avoid the accumulation of the unimplemented planning permission.
- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: A.02, A\_30.1, A\_30.2 and Design Access Statement entered on 10/07/2014.  
Reason: For the avoidance of doubt and in the interests of proper planning.

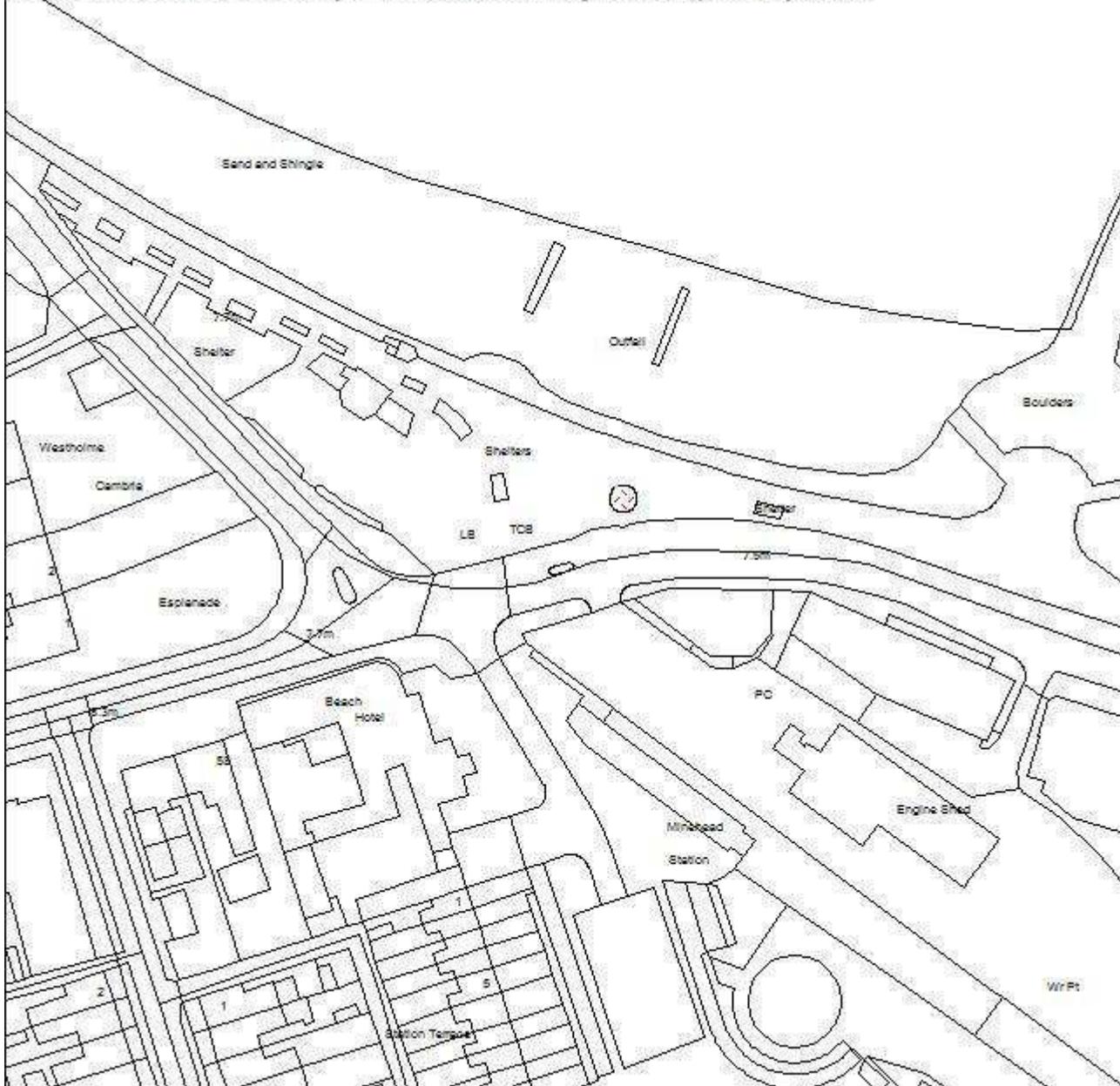
#### **Notes**

##### **1 STATEMENT OF POSITIVE WORKING**

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application correspondence with the Local Planning Authority in advance of submitting the application, for the reasons given above and expanded upon in the planning officer's

report, the application was considered acceptable and planning permission was granted.

- 2 The erection of the hereby approved clock tower will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager, Somerset County Council, West Somerset Area, Mart Road Industrial Estate, Minehead, Somerset, TA24 5BJ (Telephone 0845 3459155). He will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980.
- 3 Prior to works commencing on site the applicant is advised that plans, sections, specifications and calculations of the proposed clock tower must be submitted to the District Council and subsequently approved by the Highway Authority. The hereby approved clock tower is an obstruction of the highway and therefore you will need to obtain a licence from the Highway Authority. In this respect, you should contact the Transport Development Group at County Hall, Taunton, TA1 4DY, telephone 01823 356011.
- 4 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.



Application No 3/21/14/068  
Erection of a clock tower to  
height of 5.90m (amended  
scheme to 3/21/11/017)  
Minehead Seafront opposite  
Minehead Railway Station,  
Minehead, TA24 5RG  
10 July 2014  
Planning Manager  
West Somerset Council  
West Somerset House  
Killick Way  
Williton TA4 4QA  
West Somerset Council  
Licence Number: 100023932



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<b>Application No:</b>	<b>TPO T3/123</b>
<b>Parish</b>	Crowcombe
<b>Application Type</b>	Emergency TPO in Conservation Area
<b>Case Officer:</b>	Sue Keal
<b>Grid Ref</b>	Easting: 313516 Northing: 136869
<b>Location</b>	Central Green Area at Hagley's Green, Crowcombe
<b>Reason for referral to Committee</b>	Confirmation of an Emergency Tree Preservation Order requires a decision by the Planning Committee.

### **Risk Assessment**

Description	Likelihood	Impact	Overall
That a Tree Preservation Order is confirmed or not confirmed for reasons that 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:**

Central Green Area at Hagley's Green, Crowcombe

### **Purpose of Report:**

To advise Members that a request has been received from The Councils Grounds Maintenance Manager to refuse the proposed works and make a Tree Preservation Order (TPO) on one Oak tree, and that an Order has been made. No objections have been received to the making of the TPO. It is recommended that the Order now be confirmed as an unopposed Order.

### **Background Information:**

A letter was received written on behalf of the residents of Hagleys Green, Crowcombe, to express concern at the possible removal of trees from the central green area. There was concern that the trees might be removed in order to create additional parking. The letter requested that a Tree Preservation Order was made.

A site inspection was made on the 17<sup>th</sup> June 2014 and it was considered that:

- There are two trees at the site that have amenity value (1 birch and 1 ash)
- Any additional parking area or rearrangement of the site could have a harmful impact on the health and appearance of these two established trees.
- Both of the trees are worthy of a TPO not including the smaller sapling planted in the green.

Ward Members and the Chairman of the Planning Committee were consulted by email on 7th July 2014 and the Planning Manager agreed to an Emergency Tree Preservation Order being issued and that the case be subsequently presented to the Planning Committee to confirm the making of such an Order. The reasons for making the Order are:

*"It to be expedient in the interest of amenity and public enjoyment to make provision for the preservation of the trees"*

Magna Housing Association have acknowledged receipt of the TPO in both the local office in Williton and the Head Office in Dorchester. They deny that the land belongs to them. However, Council records confirm that the land was transferred to Magna in 1998.

### **Procedure**

A Tree Preservation Order comes into force on the day that it is served for a period of 6 months. The TPO lapses after that date unless it has been confirmed by the Council. If there are no objections to the TPO, it can be confirmed. If any objections are received, the points raised must be considered and a decision made as to whether to confirm the TPO, either with or without modification. The decision whether to confirm a TPO is taken by members of the Planning Committee.

When deciding whether to serve and confirm a TPO, the present or future public amenity value of the trees must be considered. Tree Preservation Orders are served to protect selected trees if their removal would have a significant impact on the local environment. TPO trees should therefore be visible from a public place, such as a road or footpath.

In assessing a tree's amenity value, consideration must be paid to its visual impact, its health and structural integrity, its life expectancy and its suitability to the location. The tree's potential impact on highways, services and structures should be considered.

### ***Public Consultation:***

The Local Planning Authority has not received any letters of objection or support in response to the emergency TPO.

Ward Member for Minehead North Ward;

Comments dated 7/7/14

This is a total misuse of a TPO. It is being used to stop development not save the trees. There are masses of ash in Crowcombe and it is questionable if birch counts as a tree. Single birch always blow down before long.

Comments dated 9/7/14

I have had a look. They are in the middle of the square of bungalows. I cannot see this can be developed. But I would not support TPOs as the birch especially is likely to fall on the bungalows and I would as the birch tends to blow over recommend that it should be felled for safety reasons.

### **Consultations and Representations:**

#### *Owner*

Written email correspondence dated 22/7/14 has been received from Rupert Harrison in Magna's local office acknowledging receipt of the TPO but saying that this was not their land and he believed it belonged to West Somerset Council.

*David Galley, Landscape Officer, Taunton Deane Borough Council*

Following a site visit and tree inspection with the Grounds Maintenance Manager a TPO assessment exercise was undertaken. Hagleys Green in Crowcombe, there are two reasonable trees in the square overlooked by all the houses. However, could you research the current ownership status of the land, as it may belong to SCC, WSDC or Magna housing association?

No other consultations have been received following the issuing of the Emergency Order.

**Financial Implications:**

No compensation is payable from making a TPO but compensation is payable for loss or damage caused or incurred as a result of: -

- The Local Planning Authority refusing consent under a TPO
- The Local Planning Authority granting consent subject to conditions

**Legal Implication:**

Anyone who cuts down, uproots or wilfully destroys a tree or tops, lops or wilfully damages a tree in a way that is likely to destroy it is guilty of an offence if consent to carry out the works has not already been obtained. This can therefore lead to prosecution by the Authority.

**Considerations**

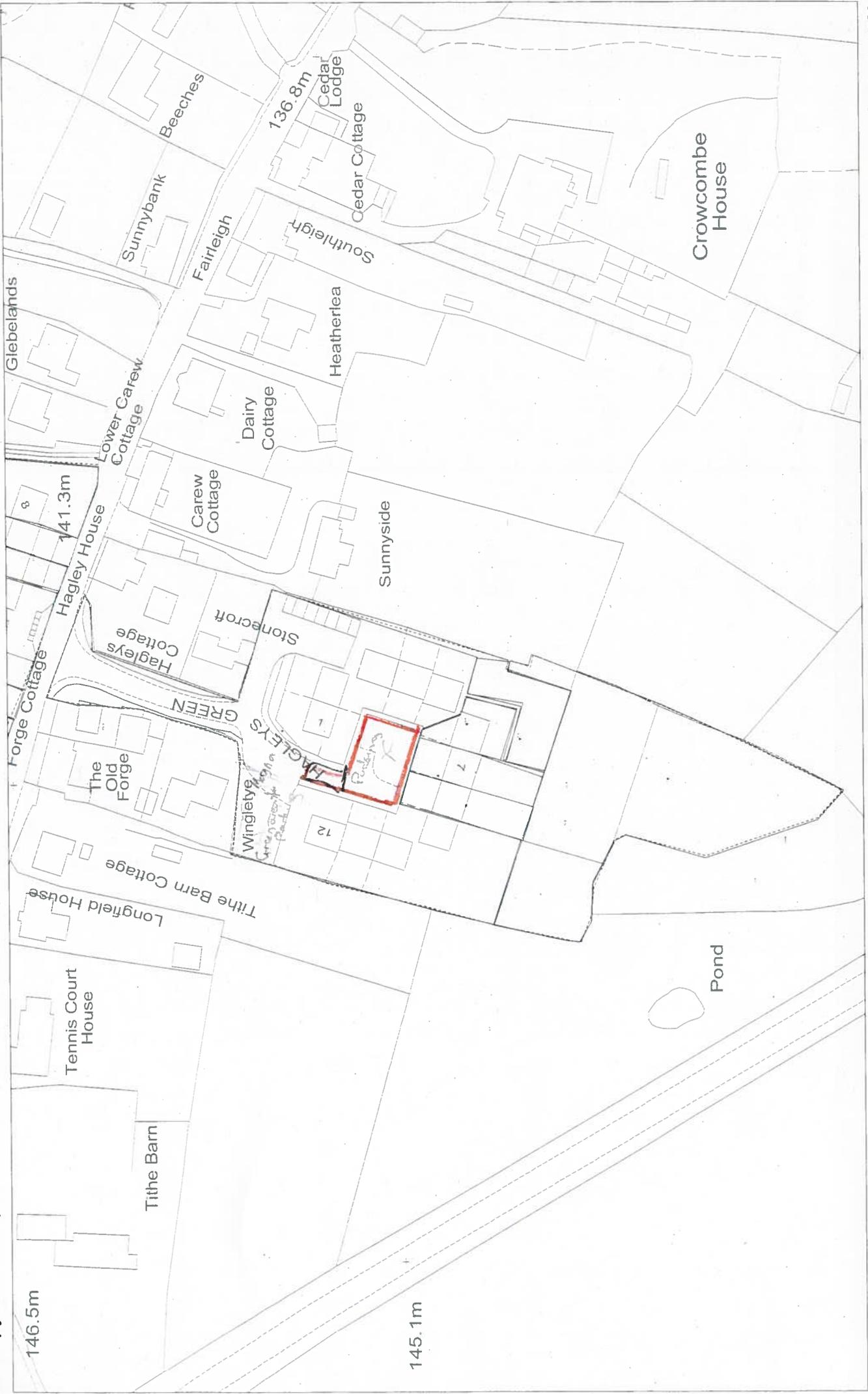
The trees are a Birch and an Ash which although are not widely visible in the village, they do have significant visual and public amenity to Hagleys Green. Both trees appear to be healthy and have a life expectancy of more than 40 years. Confirmation of a TPO does not stop an application being made to carry out works and if such works are considered appropriate and necessary, consent would normally be given. Should the TPO not be confirmed, then the trees could be removed without any control or input from the Council.

**Recommendation:**

It is recommended that the Tree Preservation Order be Confirmed.

# WEST SOMERSET COUNCIL

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<b>Application No:</b>	<b>ECC/EN/14/00091</b>
<b>Parish</b>	Kilve
<b>Application Type</b>	Enforcement
<b>Case Officer:</b>	Lisa Bullock
<b>Grid Ref</b>	Easting: 315129    Northing: 142837
<b>Applicant</b>	Mr A Feltham
<b>Proposal</b>	Reduction of walling and peers to a height which is permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended)
<b>Location</b>	Kiln Cottage, Kilve, Bridgwater, TA5 1DZ
<b>Reason for referral to Committee</b>	To consider whether it is expedient to take Enforcement action to secure the reduction of walling and peers.

### Risk Assessment

Description	Likelihood	Impact	Overall
Enforcement action is pursued for reason which could not be reasonable substantiated at appeal or not pursued for reasons which are not reasonable	2	2	4
Clear advice from Planning Officers and Legal advisor during the Committee meeting	2	2	4

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.

### Recommendation

To serve an Enforcement Notice and take prosecution action subject to sufficient evidence being obtained that the notice has not been complied with.

The Enforcement Notice shall require:

- the removal of walling above 1 metre in height adjacent to the highway and walling above 2 metres in height elsewhere.

Time for compliance - 3 months from the date the notice takes effect.

### Site Description

Kiln Cottage is located in Kilve, its access is off the A39. The property is positioned adjacent to the A39 and has a new access and garage which was granted consent (planning reference numbers 3/18/12/001 and 3/18/12/012). This work involved the replacement of existing fencing located adjacent to the highway. This fencing abuts a low stone wall. The applicants have extended this wall forming a new wall framing the access into the site with a higher wall located behind this; planting fills the void.

### Background

The walling and peers have been erected without planning permission. A complaint was received in September 2013. Consultation with the Agent included several site visits (1 in September 2013 and the other in December 2013) confirmed that the works did require planning permission and the merits of the proposal and options available were also discussed.

A planning application (reference 3/18/14/002) to retain the walls, peers and for gates was submitted on 10/06/2014 and refused on 1/08/2014.

## Description of breach of development control

Without planning permission, the erection of walling and peers.

## Planning History

The following planning history is relevant to this application:

3/18/12/001	Creation of new vehicular access and blocking up of agricultural entrance on land adjoining Kiln cottage	Grant	23/02/2012
3/18/12/012	Erection of new garage	Grant	06/09/2012
3/18/14/002	Retention of brick walling and pillars around vehicular entrance (retrospective)	Refuse	01/08/2014

## Relevant Planning Policies

### National Planning Policy Framework

Enforcement (Paragraph 207)  
Section 7 – Requiring good design

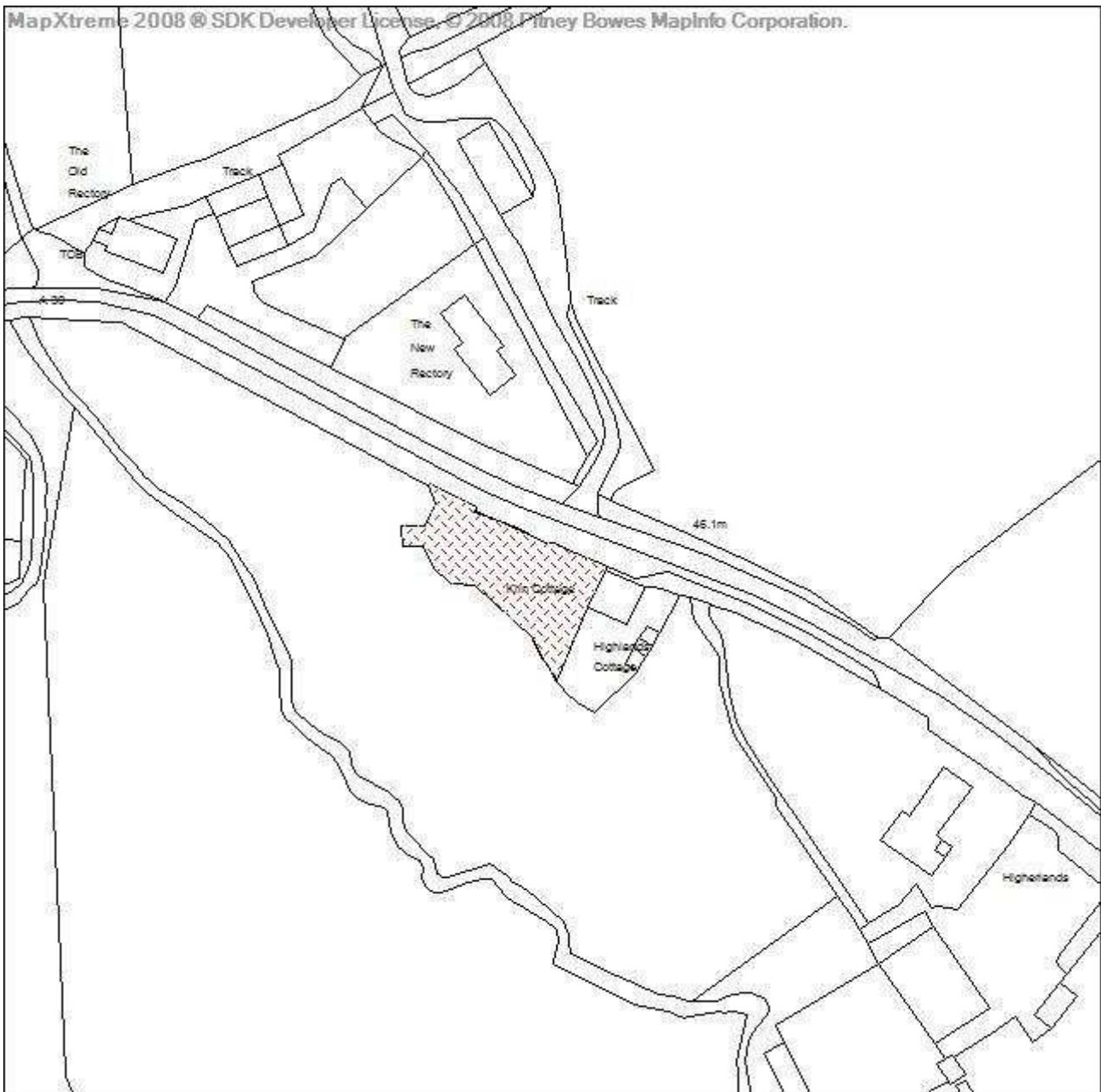
### West Somerset District Local Plan 2006

SP/1 Settlement Hierarchy  
SP/3 Development in Villages  
BD/1 Local Distinctiveness  
BD/2 Design of New Development

## Determining issues and considerations

The new walls have been built with grey brick. The existing wall at the site is built with stone as are the majority of walls along the A39 in Kilve. Red or brown brick is used in this area. The use of grey brick is alien and it particularly stands out due to the height of the walling and because there are two walls one in front of the other making the structure very dominant.

The height and material of the wall and pillars is out of character with other boundary treatments along the A39 within Kilve and as such creates a dominant incongruous feature within the street scene. This proposal is contrary to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan 2006.



Application No 3/18/14/002  
Retention of brick walling and  
pillars around vehicular entrance  
(retrospective)  
Kiln Cottage, Kilve, Bridgwater,  
TA5 1DZ  
10 June 2014  
Planning Manager  
West Somerset Council  
West Somerset House  
Killick Way  
Williton TA4 4QA  
West Somerset Council  
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<b>Application No:</b>	ECC/EN/14/00090
<b>Parish</b>	Williton
<b>Application Type</b>	Enforcement
<b>Case Officer:</b>	Lisa Bullock
<b>Grid Ref</b>	Easting: 308213      Northing: 141645
<b>Applicant</b>	Ms Jill Martin
<b>Proposal</b>	Removal of a mobile home
<b>Location</b>	Red Park Equestrian Centre, Egrove Way, Williton Industrial Estate, Williton, Taunton
<b>Reason for referral to Committee</b>	To consider whether it is expedient to take Enforcement action to secure the removal of a mobile home and reinstate the land to its former use.

### Risk Assessment

Description	Likelihood	Impact	Overall
Enforcement action is pursued for reason which could not be reasonable substantiated at appeal or not pursued for reasons which are not reasonable	2	2	4
Clear advice from Planning Officers and Legal advisor during the Committee meeting	2	2	4

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.

### Recommendation

To serve an Enforcement Notice and take prosecution action subject to sufficient evidence being obtained that the notice has not been complied with.

The Enforcement Notice shall require:

- secure the removal of mobile home;
- reinstate the land to its former use; and
- cease the use of the land for residential purposes.

Time for compliance - 12 months from the date the notice takes effect.

### Site Description

The site is on the eastern side of Union Lane which is a narrow potholed private road that is also used as a footpath. There is a collection of stables and storage buildings on the land that is utilised in connection with the appellant's equestrian and agricultural use of the open pasture land that extends northwards from the site. To the south and east of the site is the Williton Industrial Estate, whilst to the west of Union Lane there is a residential housing estate. Access to the site is via Williton Industrial Estate.

Within the West Somerset Local Plan (2006) the site is allocated Employment Land where Policy E/1 applies.

### Background

Complaints have been made about the activity on this site. The owner of the equestrian centre and her partner has been living in a mobile home on site for over a year. Pre-application advice was sought on 12/08/2013 the response provided confirmed that the site is not appropriate for residential development. Application planning reference number

3/39/14/017 for a siting of a mobile home to be used as an equestrian/agricultural/forestry workers dwelling at the site (in a different location) was submitted on the 10/6/2014; it was refused permission on 4/8/14.

### **Description of breach of development control**

Without planning permission, the material change of use of land by the siting and residential use of a mobile home.

### **Planning History**

The following planning history is relevant to this application:

3/39/91/047	Erection of detached dwelling with domestic garage and ancillary stables	Refused	19/12/1991
3/39/92/044	Additional use of land for riding establishment (current agricultural uses to continue)	Granted	22/10/1992
3/39/92/010	Erection Of detached dwelling with domestic garage and ancillary stables	Refused *	20/11/1992
3/39/93/055	Erection of detached dwelling with domestic garage and ancillary stables	Refused *	20/01/1994
3/39/00/028	Demolition of hay barn, removal of hay rick. Construction of new dwelling and car parking area ancillary to equestrian centre	Refused	24/08/2000
3/39/14/017	Siting of mobile home to be used as an equestrian/agricultural/forestry workers dwelling	Refused	04/08/2014

### **Relevant Planning Policies**

#### National Planning Policy Framework

Enforcement (Paragraph 207)  
Section 6 – Housing

#### West Somerset District Local Plan 2006

- E/7 Retention of Employment-Use
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- W/6 Flood Plains
- E/1 Employment Land Allocations
- PC/3 Noise Sensitive Developments
- SP/1 Settlement Hierarchy
- SP/2 Development in Minehead and Rural Centres

### **Determining issues and considerations**

The site lies within an area allocated for Employment Development Uses. The proposed residential development of the site would prejudice future development of the land for employment use and the proposal is contrary to Policies E/1 and E/7 of West Somerset District Local Plan (2006).

The siting of the proposed mobile home is out of character and does not relate to surrounding residential development and does not accord with Policies BD/1 and BD/2 of West Somerset District Local Plan (2006).



Application No 3/39/14/017  
Siting of mobile home to be used as  
an equestrian/agricultural/forestry  
workers dwelling  
Red Park Equestrian Centre, Egrove  
Way, Williton Industrial Estate,  
Williton, Taunton, TA4 4TB  
10 June 2014  
Planning Manager  
West Somerset Council,  
West Somerset House  
Killick Way  
Williton TA4 4QA  
West Somerset Council  
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**Delegated Decision List**

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/04/14/011	Paddock House, Ellersdown Lane, Brushford, TA22 9BH	Proposed extension to existing garage	07 August 2014	Grant	<a href="#">SK</a>
3/17/14/006	Stolford Farm, Syndercombe Lane, Huish Champflower, Watchet, TA23 0LP	Construction of new uncovered manege including turning area	11 August 2014	Grant	<a href="#">SK</a>
<b>t</b> 3/18/14/002	Kiln Cottage, Kilve, Bridgwater, TA5 1DZ	Retention of brick walling and pillars around vehicular entrance (retrospective)	01 August 2014	Refuse	<a href="#">LB</a>
3/21/14/042	Rear of 52 The Avenue, Minehead, TA24 5BB	Erection of five "mews" houses with associated car parking, refuse store, cycle store and associated hard and soft landscaping. (Resubmission of 3/21/11/003)	23 July 2014	Grant	<a href="#">EP</a>
3/21/14/053	White Lodge, Periton Road, Minehead, TA24 8DU	Erection of two detached dwellings and garages with the formation of a new vehicular and pedestrian access	14 August 2014	Grant	<a href="#">CM</a>
3/21/14/054	Land to the rear of Cuzco, Periton Road, Minehead, TA24 8DU	Proposed erection of one detached two storey dwelling with ancillary garaging on plot A (following outline approval 3/21/11/132)	23 July 2014	Grant	<a href="#">EP</a>
3/21/14/056	Land at Ellicombe, Minehead,	Display of non-illuminated sign	28 July 2014	Grant	<a href="#">LB</a>

## Somerset

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/21/14/057	Chanin & Thomas, 8 The Parade, Minehead, TA24 5UF	Erection of a historical information plaque on the front of the building including the re-positioning of the existing wooden frame.	06 August 2014	Grant	<a href="#">EP</a>
3/21/14/058	39 Lime Close, Minehead TA24 8ER	Erection of a two-storey side extension	06 August 2014	Grant	<a href="#">LB</a>
3/21/14/060	29 Bampton Street, Minehead, TA24 5TT	Erection of ground floor extension and minor alterations (retrospective)	28 July 2014	Grant	<a href="#">EP</a>
3/21/14/061	29 Bampton Street, Minehead, TA24 5TT	Erection of ground floor extension and minor alterations (retrospective)	29 July 2014	Grant	<a href="#">EP</a>
3/21/14/064	98 Periton Lane, Minehead, TA24 8DZ	Convert the loft space into two en-suite bedrooms plus retrospective consent to lower the eave level of the roof by 500mm and increase the roof pitch from 40 to 45 degrees.	01 August 2014	Grant	<a href="#">EP</a>
3/21/14/065	44 Parkhouse Road, Minehead, TA24 8AD	Demolition of existing detached garage and erection of single storey extension to provide new garage, shower room and utility, plus erection of rear garden room.	30 July 2014	Grant	<a href="#">SK</a>
3/21/14/066	Mentone Villa, The	Change of use from	06	Grant	<a href="#">LB</a>

	Parks, Minehead, TA24 8BS	hotel to private dwelling and holiday unit.	August 2014		
<b>Ref No.</b> 3/21/14/067	<b>Application</b> 36 Bampton Street, Minehead, TA24 5TT	<b>Proposal</b> Replace the existing rear windows with painted timber, single glazed casements, incorporating secondary glazing and tiled cills. Replace the existing rear access door with a timber stable door with glazing to the top section.	<b>Date</b> 06 August 2014	<b>Decision</b> Grant	<b>Officer</b> <a href="#">EP</a>
<b>Ref No.</b> 3/24/14/002	<b>Application</b> Lower Berrymans, Berrymans Yard, Beggarn Huish to Little Egypt, Nettlecombe, Watchet, TA23 0LZ	<b>Proposal</b> Porch enclosure	<b>Date</b> 06 August 2014	<b>Decision</b> Grant	<b>Officer</b> <a href="#">SK</a>
<b>Ref No.</b> 3/28/14/001	<b>Application</b> Higher Thornes Farm, Lower Weacombe, Taunton, TA4 4ED	<b>Proposal</b> Provision of balcony at first floor level on south-east elevation	<b>Date</b> 06 August 2014	<b>Decision</b> Grant	<b>Officer</b> <a href="#">SK</a>
<b>Ref No.</b> 3/30/14/002	<b>Application</b> Shute Cottage, Skilgate, Taunton, TA4 2DN	<b>Proposal</b> Erection of a haybarn	<b>Date</b> 08 August 2014	<b>Decision</b> Grant	<b>Officer</b> <a href="#">SK</a>
<b>Ref No.</b> 3/32/14/010	<b>Application</b> Farringdon Hill Farm, Farringdon Hill, Stogursey, Bridgwater, TA5 1TJ	<b>Proposal</b> Extension of existing steel portal framed agricultural hay/straw barn	<b>Date</b> 01 August 2014	<b>Decision</b> Grant	<b>Officer</b> <a href="#">LB</a>
<b>Ref No.</b> 3/33/14/001	<b>Application</b> Kilton Farm West, Kilton, Holford, TA5 1ST	<b>Proposal</b> Erection of agricultural building to house livestock and general purpose usage	<b>Date</b> 18 August 2014	<b>Decision</b> Grant	<b>Officer</b> <a href="#">LB</a>
<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>

3/37/14/010	8 Cherry Tree Way, Watchet, TA23 0UB	Erection of rear two storey extension and porch (Resubmission of 3/37/14/004)	06 August 2014	Grant	<a href="#">SK</a>
<b>Ref No.</b> 3/37/14/011	<b>Application</b> 30 Causeway Terrace, Watchet, TA23 0HP	<b>Proposal</b> Erection of extension at first floor level over the existing kitchen to create an additional bedroom.	<b>Date</b> 07 August 2014	<b>Decision</b> Grant	<b>Officer</b> <a href="#">SK</a>
<b>Ref No.</b> 3/39/14/017	<b>Application</b> Red Park Equestrian Centre, Egrove Way, Williton Industrial Estate, Williton, Taunton, TA4 4TB	<b>Proposal</b> Siting of mobile home to be used as an equestrian/agricultural/forestry workers dwelling	<b>Date</b> 04 August 2014	<b>Decision</b> Refuse	<b>Officer</b> <a href="#">LB</a>
<b>Ref No.</b> 3/39/14/018	<b>Application</b> The Orange Pip, 4 Fore Street, Williton, Taunton, TA4 4PX	<b>Proposal</b> Reinstating 3 & 4 Fore Street as two retail units, + COU to one retail unit (Class A1) and one Cafe (Class A3) (Retrospective).	<b>Date</b> 01 August 2014	<b>Decision</b> Grant	<b>Officer</b> <a href="#">SK</a>
<b>Ref No.</b> 3/39/14/021	<b>Application</b> Liddymore Farm, Watchet, TA23 0UA	<b>Proposal</b> Portal frame agricultural building for the storage of animal bedding and foodstuffs	<b>Date</b> 08 August 2014	<b>Decision</b> Prior approval not required	<b>Officer</b> <a href="#">SK</a>
<b>Ref No.</b> C/21/14/015	<b>Application</b> Land at Silvermead, Alcombe, Minehead, TA24 6BH	<b>Proposal</b> Confirmation of compliance with conditions 1 to 12 relating to planning permission 3/21/11/021	<b>Date</b> 18 August 2014	<b>Decision</b> Grant	<b>Officer</b> <a href="#">EP</a>
<b>Ref No.</b> C/21/14/016	<b>Application</b> Plot B, Land at Cuzco, Periton Road, Minehead	<b>Proposal</b> Approval of details reserved by condition 4 (relating to sample of materials), and condition 5 (relating to details for the consolidation of the northern section of the access) in relation to	<b>Date</b> 23 July 2014	<b>Decision</b> Grant	<b>Officer</b> <a href="#">EP</a>

planning permission  
3/21/14/043

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
C/31/14/002	Catford Cottage, Stogumber, Taunton, TA4 4JQ	Approval of details reserved by condition 2 (relating to external treatments) in relation to planning permission 3/31/10/005	18 August 2014	Grant	<a href="#">EP</a>
C/31/14/003	Catford Cottage, Stogumber, Taunton, TA4 4JQ	Approval of details reserved by condition 2 (relating to external treatment), relation to listed building consent 3/31/10/006	18 August 2014	Grant	<a href="#">EP</a>
Ref No. NMA/37/14/0 02	Application Land adjoining 5 Harbour Road, Watchet, TA23 0AQ	Proposal Non-material amendment to planning permission 3/37/13/016 in order to replace block paving on the driveway with tarmac and replace the proposed cycle store with two small timber cycle stores	Date 30 July 2014	Decision Grant	Officer <a href="#">EP</a>

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# Appeal Decision

Site visit made on 4 August 2014

**by Paul Dignan MSc PhD**

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

**Decision date: 15 August 2014**

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**Appeal Ref: APP/H3320/X/13/2209689**

**Higher Beverton Farm, Brendon Hill, Watchet, TA23 0LP.**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
  - The appeal is made by Mr B Norman against the decision of West Somerset Council.
  - The application Ref. 3/06/13/003, dated 29 August 2013, was refused by notice dated 23 October 2013.
  - The application was made under section 191(1)(b) of the Town and Country Planning Act 1990 as amended.
  - The development for which a certificate of lawful use or development is sought is the retention of Higher Beverton Farm as an open market dwelling.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether the bungalow was or was not built in accordance with planning permission 3/06/89/001.

## Reasons

3. Planning permission 3/06/89/001 granted consent for the erection of a new dwelling at Higher Beverton Farm. The permission was subject to an agricultural occupancy condition. A building corresponding to the size, layout and appearance of the approved dwelling was subsequently erected on the site. The case for the appellant is that the building as constructed is not in the position shown on the site plan approved under planning permission 3/06/89/001, and hence that planning permission would not apply to it. It is submitted that the building was therefore an unlawful development, insofar as it was development without planning permission, and that since it was substantially completed more than four years ago, it is now lawful by virtue of section 171B(1) of the 1990 Act, but not subject to the conditions imposed on planning permission 3/06/89/001.
4. The application referred to section 191(1)(a) of the Act, which relates to use, and also to the use of the building as a dwelling (Use Class C3). However, a dwelling to which an agricultural occupancy condition is attached is still a dwelling. What the applicant/appellant seeks to establish is that the building was built without planning permission but is now lawful, albeit not subject to

the agricultural occupancy condition, so that it can be used as a dwelling without restriction. Section 191(1)(b) of the Act is the relevant section, and I have considered the appeal on that basis.

5. The appeal property is located adjacent to a complex of farm buildings to the south. It adjoins Chitcombe Rocks Lane to the west, from which there is a driveway access. The land to the east and north is open agricultural fields, part of the farm holding. By reference to the laneway and to a fencepost shown on the original application plans, it is submitted that the footprint of the building as built differs from the approved position, being 4.3m further away from the original fenceline forming the south-western boundary of the site and 1m further away from the site boundary with Chitcombe Rocks Lane.
6. The case of *Handoll*<sup>1</sup>, indicates that if a development does not comply, in a material respect, or to a material extent, with the planning permission which has been granted, then that planning permission, including any conditions, would not apply to it. In that case the building in question was built some 27m away from the approved position, but it is well established that the principle can apply to circumstances such as the present case where the building footprints overlap. What must be considered is whether or not the differences between what is approved and what is built are so significant as to be material, which is a matter of fact and degree. This approach is common to the various appeal decisions referred to by the appellant<sup>2</sup> and the Council<sup>3</sup>.
7. In the present case there is a substantial overlap between the claimed and approved positions of the building, and there are currently no notable features in the vicinity of the building, other than a recently erected garage, with which its relationship is likely to be noticeably different, either in physical or functional terms. The appellant points out that the northward shift of the building would have taken the north-facing windows, including the sole windows to two of the bedrooms, close to a raised bank, with implications for the outlook and amenities of the occupiers. However, the bank is not in the same position and the internal layout has changed, which makes it difficult at this stage to determine whether or not the bank would have had a material effect on the living conditions of the occupiers. It seems to me that had there been an adverse relationship between the bank and the dwelling then it could have been remedied relatively easily. I consider it unlikely therefore, on the balance of probabilities, that a shift of the magnitude claimed would have had any material impact on the living conditions of the occupiers.
8. It is claimed also that the siting of the property has had a material impact on the character of the site and its wider surroundings, being visible from the southern and northern approaches along the laneway. At present the building is two stories, having been extended, and it is only the upper floor that can be clearly seen from the lane, aside from the driveway. The roadside hedgerows seem mature and likely to have been present when the bungalow was built, certainly beech hedgerows are shown on both sides of the lane on the application plans. I consider it more likely than not that little of the bungalow would have been visible from the laneway. The main view of the building would have been directly through the relatively narrow gateway, and the relationship of the building with that particular feature is similar to that shown on the

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<sup>1</sup> *Handoll and Others v Warner Goodman and Streat and Others* (1995) 25 EG 157 JPL 930

<sup>2</sup> APP/V3310/X/11/2165101, APP/U1105/X/06/2033754

<sup>3</sup> APP/P0240/X/13/2194126, APP/G2245/X/12/2178581

approved plans. In my view, there is nothing about the current positioning of the building that would have had a materially different effect on the character of the site or locality to that shown on the plans approved under permission 3/06/89/001.

9. Overall, even if the position of the building in the plot differs to the extent claimed, in the context of the planning permission as a whole I consider, as a matter of fact and degree, that what was built was constructed in accordance with that permission. It follows that the agricultural occupancy condition attached to that permission remains in force.
10. I conclude accordingly that the Council's refusal to grant a certificate of lawful development was well-founded. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

*Paul Dignan*

INSPECTOR