



To: Members of Planning Committee

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

Our Ref TB/TM

Your Ref

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

Extension 01823 356573

Date 22 March 2017

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Dear Councillor

I hereby give you notice to attend the following meeting:

PLANNING COMMITTEE

Date: Thursday 30 March 2017

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 30 March 2017 at 4.30pm
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 23 February 2017 - **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: Ten

Date: 22 March 2017

<u>Ref No.</u>	<u>Application/Report</u>
3/21/16/119	Outline application with some matters reserved for the erection of 1 No dwelling and work studio. Land to the west of Porlock Road, Woodcombe, Minehead, Somerset
3/37/17/001	Erection of a first floor extension over the garage and carport to be used as an annex. The Outback, 9A Reed Close, Watchet, TA23 0EE
3/07/17/002	Conversion of annexe into residential dwelling with formation of car parking and amenity space and improvement to access. Flaxpool Cottage, Flaxpool Hill, Crowcombe, Taunton, TA4 4AW

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

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

8. **Appeals Lodged**

No appeals lodged

9. **Appeals Decided**

3/21/15/099 - Erection of canopy (retention of work already undertaken) at 10 College Close, Minehead, TA24 6SX – Appeal Dismissed.

3/28/16/005 – Conversion of stable building to a holiday unit at Higher Thornes Farm, Lower Weacombe, Taunton, TA4 4ED – Appeal Dismissed.

ABD/28/16/001 – Notification for prior approval for a proposed change of use of agricultural building to a dwellinghouse (class C3) and for associated operational development east of Luckes Lane, Lower Weacombe, Williton, TA4 4LP – Appeal Allowed.

10. **Reserve date for site visits** – Monday 27th March 2017

11. **Next Committee date** – Wednesday 19th April 2017

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.

PLANNING COMMITTEE

Minutes of the Meeting held on 23 February 2017 at 4.30 pm

Present:

Councillor S J PugsleyChairman
Councillor B Maitland-WalkerVice Chairman

Councillor I Aldridge
Councillor B Heywood
Councillor I Jones
Councillor P Murphy

Councillor J Parbrook
Councillor K Turner
Councillor T Venner
Councillor R Woods

Officers in Attendance:

Area Planning Manager – Bryn Kitching
Planning Officer – John Burton
Legal Advisor Martin Evans – Shape Partnership Services
Democratic Services Officer – Tracey Meadows

P81 Apologies for Absence

There were apologies from Councillors Dowding and Hadley

P82 Minutes

Resolved that the Minutes of the Planning Committee Meeting held on the 23 February 2017 circulated at the meeting be confirmed as a correct record.

Proposed by Councillor Turner and seconded by Councillor Heywood

The motion was carried.

P83 Declarations of Interest or Lobbying

Councillor Venner declared that he had been lobbied by the residents of Irnham Road on application No. 3/21/17/003. He declared that he had made a site visit and would keep an open mind on the application.

P84 Public Participation

Min No.	Reference No.	Application	Name	Position	Stance
P85	3/01/16/004	Application for approval of reserved matters following outline application (3/01/15/009) for the erection of 1 No. dwelling house with double garage and formation of vehicular access.			

		Land adjacent to Chilcombe House, 30 Trendle Lane, Bicknoller, Taunton, TA4 4EG			
P85	3/05/16/014	Display of 2 non-illuminated post mounted signs at the entrance. Blue Anchor Bay Caravan Park, Blue Anchor Road, Carhampton, Minehead, TA24 6JT			
P85	3/21/16/130	Raising of the roof structure with erection of a first floor side extension. Flat 1, McDanas, Warren Road, Minehead, TA24 5BG			
P85	3/21/17/003	Installation of TV aerial and satellite dish, erection of fence and gate between the garage and internal garden wall, demolition of boundary stone walls and replacement with timber by-fold gates and fence with formation of parking area. 5 Irnham Road, Minehead, TA24 5DL			

P85 Town and Country Planning Act 1990 and Other Matters

Report Nine of the Planning Team dated 15 February 2017 (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**

3/01/16/004 – Application for approval of reserved matters following outline application (3/01/15/009) for the erection of 1 No. dwelling house with double garage and formation of vehicular access, Land adjacent to Chilcombe House, 30 Trendle Lane, Bicknoller, Taunton TA4 4EG

The Member's debate centred on the following issues;

- Concerns with the loss of the Devon Hedge and the impact this would have on the look of the lane;
- Concerns with the diversion of the stream into the dry water course creating a fast flowing ditch;
- Pleased that the site was to retain the trees as moving the orientation of the house would result in their loss;

Councillor Parbrook proposed and Councillor Maitland-Walker seconded a motion that the application be **APPROVED**

The motion was carried

Reference Location, Proposal, Debate and Decision

3/05/16/014 – Display of 2 non-illuminated post mounted signs at the entrance to Blue Anchor Bay Caravan Park, Blue Anchor Road, Carhampton, Minehead, TA24 6JT

The Member's debate centred on the following issues;

- The new sign was unattractive and did not give the flavour of what was a seaside resort, it looked commercial and not tourist orientated;
- The sign would merge into the existing building and would not be a distraction to drivers;
- The new sign was up to date and in keeping with the area;

Councillor Murphy proposed and Councillor Turner seconded a motion that the application be **APPROVED**

The motion was carried

Reference Location, Proposal, Debate and Decision

3/21/16/130 – Raising of the roof structure with erection of a first floor side extension on the east elevation with a Juliet balcony on the north elevation, Flat 1, McDanas, Warren Road, Minehead, TA24 5BG

The Member's debate centred on the following issues;

- Concerns with cars parking on the vacant land and pavement next to the site;
- Concerns with continual planning applications on what was a small commercial business site;
- The extension would improve the whole street scene;

Councillor Turner proposed and Councillor Woods seconded a motion that the application be **APPROVED**

The motion was carried

Reference Location, Proposal, Debate and Decision

3/21/17/003 – Installation of TV aerial and satellite dish, erection of fence and gate between the garage and internal garden wall, demolition of boundary stone walls and replacement with timber by-fold gates and fence with formation parking area. 5 Irnham Road, Minehead, TA24 5DL

The Member's debate centred on the following issues;

- We had a duty of care to protect this conservation area, replacing the stone wall with a wooden fence would not enhance the look of this area;
- The property was at the end of the service road and can be seen from Irnham Road, sad to lose the ascetic appearance of the wall;
- Would be a shame to lose this wall that was replicated all around Minehead;
- Changes to other properties in the service road were not so visible from the main road as this property;
- The position of the wall was strategically important to the view from Irnham Road, it would be a great shame to lose it;

Councillor Maitland-Walker proposed and Councillor Turner seconded a motion that the application be **Refused**

Reason

The existing rear boundary wall has a positive contribution to the character and appearance of the conservation area and is clearly visible from Irnham Road. The loss of this heritage asset and replacement with timber bi-fold gates and boundary fence would have a significant adverse impact on character and appearance of the area by introducing materials that are Generally alien to the locality and is contrary to the provisions of Policy NH2 of the Adopted West Somerset Local Plan to 2032.

P86 Exmoor National Park Matters

Councillor B Heywood reported on matters relating to West Somerset considered at the meeting on 7 February 2017 of the Exmoor National Park Planning Committee. This included:

62/41/16/022 - Proposed dwelling for rural worker (68m²) – Hidden Valley Farm, Barbrook, Lynton, Devon. – Approved.

6/9/16/131 - Reserve matters application in respect of a proposed agricultural dwelling (outline application 6/9/16/109) (Reserve Matters) – Springfield Farm, Draydon Lane, Dulverton, Somerset. – Deferred

6/27/16/115 - Proposed single storey replacement conservatory (Householder) – Stokes Croft, Parsons Street, Porlock, Somerset. – Refused

P87 Delegated Decision List (replies from Officers are in italic)

3/01/16/003 – The Stables, Chilcombe Lane, Bicknoller – why was this application refused. *This application was refused on the grounds of the new policy which allowed buildings in a built up area. Stated that there were a number of criteria's in the new policy, one of which was that there was safe pedestrian access to essential facilities within that area. This was the first test of the new policy.*

P88 Appeals Lodged

No appeals lodged

P89 Appeals Decided

No appeals decided

The meeting closed at 6.15pm

DRAFT

Application No:	3/21/16/119
Parish	Minehead
Application Type	Outline Planning Permission
Case Officer:	Karen Wray
Grid Ref	
Applicant	Mr & Mrs Rees
Proposal	Outline application with some matters reserved for the erection of 1 No dwelling and work studio
Location	Land to the west of Porlock Road, Woodcombe, Minehead, Somerset
Reason for referral to Committee	The views of the Parish Council conflict with the recommendation

Recommendation

Recommended decision: Refuse

Reasons for refusal:

- 1 The proposed development is sited over 50m from the contiguous built up area of Minehead and is not well related to existing essential services and social facilities within the settlement and is therefore within an open countryside location. The proposal is for a private dwelling with studio and therefore does not give rise to any overriding community and economic benefits to justify an open countryside location. The proposal is therefore contrary to Policies SC1 (Hierarchy of Settlements) and OC1 (Open Countryside Development) of the West Somerset Local Plan up to 2032.
- 2 It is considered that as a result of the access and part of the curtilage of the site being located in a flood zones 2 and 3 the development is at high risk of flooding. As no evidence has been submitted to justify the siting of the development within a high flood risk area, and as to why there are no other suitable sites that could accommodate this proposal the Local Planning Authority considers that the proposal fails the requirements of the Sequential test as set out in the National Planning Policy Framework (NPPF). Furthermore it is not considered that a private dwelling provides any community benefit to warrant development in such a high food risk area and thus the proposal fails the Exception test. The proposal is therefore contrary to advice given in the NPPF and Policy CC2 (Flood Risk Management).
- 3 It is considered that the proposed development would have a permanent adverse impact upon the character and appearance of the rural landscape to the western side of Porlock Road through the provision of necessary visibility

splays and the domestication of the site which would be visible from public vantage points. The proposal would not give rise to an overriding community of economic benefits to outweigh the adverse impacts upon the landscape character and appearance and, therefore they are contrary to policies NH13 and OC1 of the West Somerset Local Plan up to 2032 and Policy TW/3 (Hedgerows) of the West Somerset District Local Plan 2006

- 4 The proposed access does not meet the highway safety visibility requirements as set out within Somerset County Council's Standing Advice and some of the land required to provide the necessary visibility is outside of the control of the applicant. It is therefore considered that the proposal would lead to a highway danger with the potential for vehicles to enter and exit the site onto a busy road without sufficient visibility.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

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

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

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

Proposal

Outline planning permission is sought for the erection of a dwelling and work studio within a small orchard plot on the outskirts of Minehead. The proposal seeks the approval of the proposed accesses and principle of development only, with the appearance, landscaping, layout and scale to be conditioned under Reserved Matters although some indicative details have been provided.

The submission states that as well as a family home, the dwelling will form part of a holistic, wider approach to the client's business operations in the local area and it is claimed that, by developing the site, it will prevent further criminal activities on the land. The dwelling will be a one and a half storey eco-home to include gardens. The application states that approximately 150 sq.m of the building will be utilised as a dwelling and 25 sq.m as the applicant's art studio. Rooms would be provided within the roof space. It is stated that the additional business related accommodation will be single storey and either attached to the dwelling or in close proximity. A further detached garage large enough for two vehicles and some storage and additional parking for two cars would be provided with associated turning space.

The site was in the past used for bee keeping with some 50 hives with apple, pear and plum trees. Bee keeping equipment was stored in three large sheds and a pig sty which still remains. The sheds have since been vandalised. The applicant proposes reinstating the hives and thus sees the scheme as a form of preventing further vandalism.

The vehicular access into the site will be via an existing field access to the south of the site off Porlock Road and an indicative pedestrian access is shown to the north of the site to link with Porlock Road.

Site Description

The site is triangular in shape approximately 100m long running south-west to north east. The land rises from north to south by approximately 2m. Access is currently via the southern corner from Porlock Road, which continues adjacent to the south eastern border. The plot contains a number of fruit trees and small corrugated sheds. Directly opposite the site on the eastern side of Porlock Road is Minehead cemetery. Other than the Woodcombe Lane dwellings to the north of the site, all of the development is on the eastern side of Porlock Road.

Part of the site towards the southern end and the western boundary falls within a flood zone 2 and flood zone 3. A stream runs along the south west boundary of the site.

Relevant Planning History

PRE/21/15/003 - Pre application consultation May 2015

Consultation Responses

Minehead Town Council - See no material planning considerations to refuse the application.

Biodiversity and Landscaping Officer - The field is on the outskirts of Minehead in the open countryside and is not a suitable location for a new dwelling. The development would impact on the semi-rural character of one of the approach roads into Minehead and possibly impinge on views towards North Hill.

Environment Agency - In accordance with the flood risk Sequential Test process required by the NPPF, the proposed new home could be considered appropriate development provided that any new house is located in the flood zone 1 portion of the site.

However as the access/egress, and any other parts of the site outside the red line boundary fall within flood Zones 3 and 2, the Local Planning Authority must first decide whether or not the proposal overall satisfies the NPPF sequential /Exception tests, and that the development provides wider sustainability benefits to the community that would outweigh any flood risks concerns.

On the basis that the LPA is satisfied with the sequential /exception test considerations, the Environment Agency does not object to the application. subject to the inclusion of the following conditions:

Condition:

Prior to any development of the site, details of all proposed external; ground and building finished floor levels shall be submitted to, and approved by the LPA.

Reason: To ensure that the development will not be increased flood risk, or exacerbated flood risk elsewhere.

The following informatives and recommendations should be included in the Decision Notice

We recommend that consideration be given to use of flood proofing and resilience measures to reduce the impact of flooding should it occur. Floor proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Consultation with the building control department is recommended when determining if flood proofing measures are effective.

Additional guidance can be found in our Flood lone Publication 'Damage Limitation'. A free copy of this is available by telephoning 0345 988 1188 or can be found on our website www.environment-agency.gov.uk click on 'flood' in subjects to find out about, and then 'floodline'.

Reference should also be made to the Department for Communities and Local Government publication 'Preparing for Flood'

There must be no interruption to the surface water drainage system of the

surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continues to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

The Council's Emergency Planners should be consulted in relation to flood emergency response and evacuation arrangements on the site. We strongly recommend that the applicant prepares a Flood Warning and Evacuation Plan for future occupants.

The applicant proposed use of non-mains drainage facilities. However, if the site is located within an areas served by public sewer, connection should be made to the public sewer in preference to private drainage options, unless the applicant can provide good reasons why this is unfeasible.

If non- mains foul drainage is the only feasible option an Environmental Permit may be required. This must be obtained from the Environment Agency before any discharge occurs and before and development commences. This process can take up to four months to complete and it cannot be guaranteed that a Permit will be granted. The applicant should contact the Environment Agency on 03708 50506 for further details on Environmental permits or visit <http://www.environment-agency.gov.uk/business/topics/permittting/default.aspx>.

Highways Development Control - Recommend standing advice.

Representations Received

One letter of representation has been received although not objecting ask that views are shielded between the site and their property which is some 250m away.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SC1	Hierarchy of settlements
OC1	Open Countryside development

NH1	Historic Environment
CC2	Flood Risk Management
ID1	Infrastructure delivery
SC2	Housing Provision
MD1	Minehead Development

Determining issues and considerations

The main issues for consideration are the principle of the development, flood risk, highway safety, residential amenity and impact on the character and appearance of the surrounding area.

Principle of Development

The proposed site is located over 50m from the 'contiguous built up area' as defined within Policy SC1 'Hierarchy of Settlements' of the West Somerset Local Plan up to 2032. The nearest contiguous built up area is to the north east, to the north of the cemetery but is sited some 56m away from the curtilage of the site. To the south west the closest contiguous built up area would be over 60m away. The site is separated from Minehead cemetery by Porlock Road and under Policy SC1, 'built up area' does not include 'parklands, parks, public gardens, formal and informal public open space'.

Under SC1, part 4(B) requires any site within 50m of the built up area to have safe and easy pedestrian access to essential services and social facilities. It is not disputed that Minehead offers a range of services and facilities and that there is public transport available to the north of the site but to access this, occupants would need to cross Porlock Road. Although the proposal indicates the formation of a pedestrian access to the north of the site, it does not join with any existing footpaths and there is no crossing point to get to the nearest footpath which is on the opposite side of the road and terminates at the Cemetery entrance. In addition any crossing of Porlock Road as indicated, would be on the slight bend of the road and although within a 30mph speed limit zone, actual speeds experienced are higher particularly from drivers heading south out of Minehead. A safe and easy crossing for pedestrians is therefore not available.

However, being greater than 50m from the contiguous built up area, the proposal is therefore within an 'Open Countryside' Location Policy OC1 'Open Countryside Development' does not permit such proposals for private dwellings of this nature within such a location and therefore the proposal is contrary to Local Plan Policy and also guidance with the NPPF regarding sustainable development. The principle of the development is therefore not accepted.

Flood Risk

Part of the site lies within a flood zone 2 and flood zone 3. A flood risk assessment accompanying the application proposes mitigating measures such as designing the dwelling to reduce flood risk, the use of permeable hardstanding materials to reduce surface water to reduce the risk of flooding to other areas.

The Environment Agency state that if the dwelling can be sited within the flood zone 1 area of the site, it could be considered as appropriate development. However as the access and other parts of the residential curtilage would fall within flood zones 2 and 3, the Environment Agency state as long as the LPA are satisfied that the Sequential / Exception test as set out within the NPPF have been satisfied, they would raise no objection. The requirement to meet the Sequential and Exception Test is also a requirement of Policy CC2 'Flood Risk Management'.

The Sequential Test requires it to be demonstrated that there are no other alternative sites within a lower flood risk zone that could accommodate this development. However, no such evidence has been submitted and this site has purely been chosen as it is in the ownership of the applicant and prior to that belonged to her father.

Even if the Sequential Test had been satisfied, as part of the development falls within a flood zone 3 the Exception Test must be met. As the proposal is for a private dwelling it does not offer any community benefit to warrant siting it in a high flood risk area and therefore fails the Exception Test. For these reasons the proposal is contrary to the guidance in the NPPF and is contrary to Local Plan Policy CC2.

Highways

In terms of parking provision, the County Council's Parking Strategy 2012 sets out the parking standards for development and confirms that the site is located within zone C. Therefore the required parking provision for a new dwelling would be one parking space per bedroom and one secure cycle space per bedroom. The application indicates that a double garage could be provided and parking for 2 further vehicles and sufficient turning space. It is stated that the garage would be sited outside of the flood zone 2 and 3 designation and therefore on this basis it is considered that sufficient parking and turning within the site can be provided.

Paragraph 32 of the NPPF makes it clear that decisions should take into account whether the opportunities for sustainable transport modes have been taken up. The framework requires that, where practical, development should be located and designed to consider the needs of people with disability by all modes of transport. Para 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.

The application proposes the use of the existing access to the south of the site. It proposes that a permeable surface will be use on the access drive to reduce flood risk. The access is directly onto Porlock Road and falls within the 30mph zone, however the nature of the road is that it is a long straight road which soon enters a 60mph limit, south of the access. Speeds witnessed passing the site entrance clearly exceed the 30mph permitted. The applicant has sought advice from the Highway Authority separate to this application. The Highway Authority confirmed that visibility splays are commensurate with speed limits/traffic speeds and based on a 30mph limit splays of 43m in each direction to the nearside carriageway set back

2.4m should be provided. Such splays have been shown on the submitted plans which show that at least some part of the roadside hedgerow will need to be removed to achieve the splays in each direction. The right hand splay 'clips' the roadside hedgerow on land not in the control of the applicant. However it would also appear from the plans that the splays have been incorrectly drawn and are not drawn to the carriageway edge. Further hedgerow would be lost if the splay was correctly shown to the edge of the carriageway. This would require the right hand visibility splay to encompass more of the roadside hedge not within the ownership/control of the applicant. The required right hand visibility splay can therefore not be achieved and the provision of the left hand splay to accord with standing advice would result in a significant loss of hedgerow. Given the 60mph speed limit starts shortly beyond the south of the entrance, and speed limits experienced were above the 30mph limits, it is not considered a reduced right hand visibility splay would be acceptable in this instance and therefore the proposal is not acceptable on highway safety grounds.

Character and appearance

The area to the west of Porlock Road, opposite the cemetery is rural in character. The site is characterised by a small orchard bounded by traditional field hedgerows. The boundary of Exmoor National Park is to the south and the prominent North Hill is to the north of the site. Porlock Road is one of the main approach roads into Minehead from the south and follows a linear stretch of road bounded by hedgerow. The works to partially remove the roadside hedge to achieve visibility splays would clearly alter the character of the approach into Minehead. Although details such as landscaping, layout and appearance would be addressed as reserved matters there is no doubt that an isolated dwelling with garage, driveway and turning area would alter the rural nature of this side of Porlock Road. Concerns are also expressed from the Council's Landscape Officer concerning the potential visual impact of the development when viewed from North Hill in the distance.

Amenity

The application site forms an isolated parcel of land away from any other residential properties. The site is adjacent to Porlock Road to the east and the surrounding boundaries of the site are bordered by agricultural land. There would be no loss of residential amenities as a result of the development.

Conclusion

The proposed site for the new dwelling is not in a suitable location. The proposal fails Local Plan Policies and also does not meet the requirements as set out in the NPFF concerning flood risk. The development is unacceptable on highway safety grounds and the development is considered to affect the character and appearance of the area. For these reasons planning permission should be refused.

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



Application No 3/21/16/119
 Outline application with some
 matters reserved for the erection
 of 1 No dwelling and work studio
 Land to the west of Porlock
 Road, Minehead, Somerset
 8th December 2016
 Planning Manager
 West Somerset Council,
 West Somerset House
 Killick Way
 Williton TA4 4QA



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Scale: 1:1250

Application No:	3/37/17/001
Parish	Watchet
Application Type	Full Planning Permission
Case Officer:	Sarah Wilsher
Grid Ref	Easting: 307697 Northing: 142839
Applicant	Mr Craig Walsh
Proposal	Erection of a first floor extension over the garage and carport to be used as an annex
Location	The Outback, 9A Reed Close, Watchet, TA23 0EE
Reason for referral to Committee	The application is considered to be of a significant, controversial or sensitive nature

Recommendation

Recommended decision: Grant

Recommended Conditions (if applicable)

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

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

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

(A3) DrNo 1174.1/200B Proposed Site Plans
(A1) DrNo 1174.1/201 Proposed Plans and Elevations

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

- 3 All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: To safeguard the character and appearance of the building having regard to the provisions of Retained Saved Policy BD/3 of the West Somerset District Local Plan (2006).

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, roof light, door or other opening shall be constructed in the east elevation without obtaining planning permission from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Retained Saved Policy BD/3 of the West Somerset District Local Plan (2006).

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), the remaining single garage shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation.

Reason: In order to ensure appropriate off-road parking for the dwelling and annex and to prevent over-development of the site.

- 6 The development hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Outback, 9A Reed Close and shall not be occupied as a separate dwelling unit.

Reason: To prevent the extension being occupied separately from the main dwelling and to safeguard the amenities of the occupiers of nearby properties in accordance with Retained Saved Policy BD/3 of the West Somerset District Local Plan (2006).

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/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 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.

Proposal

It is proposed to erect a first floor extension over the existing garage and carport to the east of the dwelling to provide a living room, bedroom and bathroom and thus create an annex. The extension will be 8.3 metres wide and 6.6 metres long. It will have a dual-pitched roof to match the existing dwelling which will be 7.3 metres to the ridge and 5.3 metres to the eaves. It will be 0.7 metres lower than the ridge of the main dwelling. It will have red brick facing and a concrete tiled roof to match the existing.

The carport will also be converted to a games room with bi-fold doors added to the north elevation. This is considered to be permitted development.

Site Description

9A Reed Close is a detached four-bedroom modern property positioned within a corner plot to the south and east of the main thoroughfare of Reed Close and to the north of Knights Templar First School. It has been built on a former site of domestic garages.

Relevant Planning History

3/37/14/001 - Demolition of an existing garage site and erection of a detached four bedroom dwelling with garaging - granted 17 February 2014.

Consultation Responses

Watchet Town Council - The Committee recommend approval.

Highways Development Control - Standing Advice applies.

Representations Received

Three objections have been received, raising the following points:

- With a first floor extension and extra windows my privacy will be further eroded as I will be overlooked even more.
- It will affect the amount of light I will have in my living area and garden.
- Could the annex be used to run a business.
- The extension would be about 3-4 metres from our boundary. This close proximity would be intrusive and over-bearing and have an adverse effect on our

residential amenity and that of our neighbours due to overlooking, loss of privacy, loss of light and overshadowing.

- It will be out-of-character with existing development in the location.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

WA1 Watchet Development

Retained saved policies of the West Somerset Local Plan (2006)

BD/3 Conversions, Alterations and, Extensions

Determining issues and considerations

The determining issues are the affect on the amenities of neighbours, the appearance of the dwelling and the street scene and the potential loss of off-road parking.

There are three dwellings to the east of the proposed extension plus one dwelling to the north, which could be affected by the proposed development. The three to the east are single storey dwellings whose rear gardens either face or are to the north east of the proposal. No. 21 Admirals Close lies directly to the east. There is a fence of approximately 2 metres high on the side of no. 9A and a hedge of approximately the same height along the border of no. 21. There is approximately 15 metres between the proposed extension and the bungalow at no. 21. There will be no windows in the proposed east elevation so there will be no overlooking. The height of the boundary treatments are such that they will obscure much of the extension. The height of the east elevation will be raised by 3 metres but as it will be lower than the main pitch of the dwelling, and as this part of the property is set back from the main dwelling by 2.4 metres, it will not have the same mass as the main dwelling and so should not feel too intrusive or overbearing. It is acknowledged that there may be some loss of sunlight in the late afternoon during the Spring and Summer but this is considered to be not significant in terms of residential amenity. In order to ensure that there will be no overlooking in the future a condition will be

added to prevent the installation of openings, windows, doors and rooflights into the east elevation.

Nos. 22 and 23 Admirals Close are about 20 metres from the proposed development. A fence of about 2 metres continues along this east elevation. The two proposed first floor windows in the north elevation will look towards these bungalows, however, due to the distance, the mature trees in the rear gardens of the properties and the height of the fences it is considered that the overlooking will be minimal. Also, being further away from the development it is felt that the proposal will not be over-bearing or intrusive. There may be some loss of sunlight in the late afternoon in Spring and Summer but this is considered to be negligible.

No. 7 Reed Close is situated to the north of the proposal, with the side elevation of no. 7 facing no. 9A. The proposed first floor windows will face no. 7's garage which is located to the rear of no. 7's garden. It is considered that the proposal will not affect this neighbour any more than the existing situation and that therefore there will be no impact.

9A is a modern brick building with a dual pitched roof. The single storey parking element to the east mirrors the main dwelling in terms of design and materials. The first floor extension will be sympathetic to the existing with the same design and materials, and with matching windows. Being lower and set back from the main building it will be subservient to the main dwelling. In terms of appearance it is therefore acceptable. As the dwelling is tucked away from the main part of Reed Close and is already not in keeping with the smaller semi-detached properties within Reed Close, it is considered that the proposed development will have no affect on the street scene.

The annex will be ancillary accommodation to the existing dwelling. Whilst this is considered acceptable, its use as a separate dwelling unit would be discouraged as over-development of the site. The annex can be conditioned to prevent its use as a separate dwelling unit.

The loss of a garage and thus a parking space is regrettable but it has been shown that there is adequate off-road parking to the front of the dwelling for three vehicles plus a turning area so that automobiles can enter and exit in a forward gear. This meets County Highways' guidelines within their Standing Advice documentation. In addition, the remaining single garage will be conditioned to remain as a garage to ensure a level of off-road parking and to prevent its use as further ancillary residential accommodation.

In conclusion, the proposed annex is considered acceptable and in accordance with policy WA1 of the West Somerset Local Plan to 2032 and Retained Saved Policy BD/3 of the West Somerset District Local Plan (2006) and conditional approval is recommended.

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



Application No 3/37/17/001
 Erection of a first floor extension
 over the existing garage and
 carport to be used as an annex
 The Outback, 9A Reed Close,
 Watchet, TA23 0EE

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



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Application No:	3/07/17/002
Parish	Crowcombe
Application Type	Full Planning Permission
Case Officer:	Elizabeth Peeks
Grid Ref	Easting: 314142 Northing: 135272
Applicant	Mr & Mrs A Flint
Proposal	Conversion of annexe into residential dwelling with formation of car parking and amenity space and improvement to access
Location	Flaxpool Cottage, Flaxpool Hill, Crowcombe, Taunton, TA4 4AW
Reason for referral to Committee	The views of the Parish Council conflict with the recommendation

Recommendation

Recommended decision: Refuse

Reasons for refusal:

- 1 In the opinion of the Local Planning Authority the proposed dwelling which would be located within open countryside would not accord with local plan policies OC1 and H/6 as none of the criteria in policy OC1 are met and as no evidence has been submitted to demonstrate that every reasonable attempt has been made to secure a business use and as the access to the site is substandard as required in policy H/6. In addition the proposal would be contrary to the guidance contained in paragraph 55 of the National Planning Policy Framework

- 2 The proposal is contrary to Policy SD1 of the Local Plan and the National Planning Policy Framework as the proposed access to the A358 does not incorporate the necessary visibility splays which are essential in the interests of highway safety and as any increased use made of the existing sub-standard access such as would be generated by the development proposed would be prejudicial to highway safety.

The adverse impact on highway safety together with creating a dwelling in open countryside would outweigh any benefits of the proposal.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Despite the Local Planning Authority's approach to actively encourage pre-application dialogue, the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority. The proposal was considered to be unacceptable in principle because it was contrary to the strategic policies within the Development Plan and policies within the National Planning Policy Framework. 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.

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

2 This decision relates to Drawing Numbers:

(A4) Location plan

(A4) Site plan

(A2) DRNO 161001/2A Layout plan

(A3) DRNO 161001/3 Dwelling plan

(A3) DRNO 161001/4 Access elevations and fences

Proposal

It is proposed to convert the annexe into a separate residential dwelling with car parking (2 spaces) and a garden area incorporating a garden shed and recycling bin area. Improvements to the access by tarmacing the first 12m of the access and by widening from 3m to 5m are also proposed. The visibility splay in an easterly direction will be increased in length to 72m with no obstruction to visibility greater than 600mm above adjoining road level. Currently it is 42m. This will involve the removal of the existing conifer hedge and erecting a post and wire fence (1.35m high) and planting a quickthorn hedge behind the fence.

Site Description

Flaxpool Cottage is a Grade II thatched and rendered property set back and down from the Flaxpool Hill (A358) and is located within the Quantock Hills Area of Outstanding Natural Beauty. Flaxpool Cottage is screened from the road by a conifer hedge. The 'annexe' is constructed of stone with a tiled roof and was formerly a barn as can be seen from the round stone piers. To the east of Flaxpool Cottage is a courtyard which is bounded by the annexe, a two storey threshing barn

that has been converted into a dwelling and attached shelter barn. These buildings are also a Grade II listed building. Access to both properties is via the stoned access from the A358. This access is to be used by the proposed new dwelling.

On the opposite side of Flaxpool Hill are a number of barn conversions, a farm and dwellings.

Relevant Planning History

Case Ref	Proposal	Decision	Decision Date
3/07/89/009	Conversion of existing barn to form residential extension and provision of new greenhouse and new double garage and workshop	Grant	09 May 1989
3/07/07/027	Blocking up of internal doorway.	Withdrawn by Applicant	04 February 2008
3/07/89/007	Conversion of existing barn into recreation room, sewing room cloaks and single garage	Grant	24 April 1989
3/07/07/010	Regularise the retention of the annexe in its current form.	Grant	29 June 2007
3/07/07/026	Change of use of existing residential dwelling into 2. no separate units and erection of fence.	Withdrawn by Applicant	04 February 2008
3/07/07/001	Blocking up doorway	Not yet determined	

The above applications relate to the barn at the rear of the property that is currently referred to as an annexe. It should be noted that planning permission has only been granted for this to be used as additional living accommodation together with a link to the main house. On the originally approved drawings the extension accommodated a recreation room, sewing room and a cloakroom but by the time listed building consent was granted in 2007 a kitchenette had been constructed and the recreation room had been divided into two rooms. The lawful use of the barn conversion is therefore as additional residential accommodation to Flaxpool Cottage and not as an annexe.

Consultation Responses

Crowcombe Parish Council - Councillors unanimously resolved to support both applications. The applications will involve no material change to the outside appearance of the property itself and the proposal to increase the size of the splay of the access to the highway will provide much improved entrance and exit from the site.

Highways Development Control -

I refer to the above planning application received on 24th January 2017 and after carrying out a site visit on Friday 3rd February have the following observations on the highway and transportation aspects of this proposal:-

The applicant wishes to convert an annex into a residential dwelling with the formation of car parking for two vehicles and the intention to improve the current access point to the site. It is thought up to 6-8 vehicle movements from the site would be generated from the proposal per day.

The proposal lies approximately a mile south of the village of Crowcombe off the classified A358 within close proximity to an inside of a bend that slopes down to the proposed access to the site. The A358 is a heavily used, main artery road and in relation to the proposal site links the towns of Minehead and Taunton.

The area is subject to a 50mph speed limit, observed vehicle speeds appeared to be at or near the posted limit. Therefore appropriate visibility splays would be 2.4m x 120m to the nearside carriageway edge given the local speed limit and nature of the road.

As acknowledged in the design and access statement, the existing visibility splay and access point doesn't fully comply with highway safety standards.

Site observations showed that the required visibility splays were acceptable looking west however not achievable when looking in the easterly direction upon exit. It is noted that the applicant intends to improve visibility splays in the easterly direction from what is currently 60m to 90m when looking at drawing no 161001/2 (layout plan). However, this is measured to the far side carriageway edge. If measured to the nearside carriageway edge, the visibility splay achievable would be less than the 90m claimed possible. Regardless this still doesn't meet the required highway standards.

Given that two dwellings already exist on the site that use the current access point which is seen as substandard in terms visibility the proposal would increase vehicle movements onto the highway where visibility doesn't meet highway standards nor the National Planning Policy Framework (NPPF).

On balance when considering the above it is felt by the Highway Authority that it's not rational to promote an increase in vehicle movements to an already substandard access point on a busy classified road that lacks the required visibility splays.

On the basis of the information received we would recommend refusal for the following reasons.

1. The proposal is contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy SD 1 of West Somerset District Local Plan (adopted November 2016-2032) since the proposed access to the A358

does not incorporate the necessary visibility splays which are essential in the interests of highway safety.

2. The proposal is contrary to the National Planning Policy Framework (NPPF) and Policy SD1 of the West Somerset District Local Plan (adopted November 2016-2032) since any increased use made of the existing sub-standard access such as would be generated by the development proposed would be prejudicial to highway safety.

Tree Officer - I have no objections to the proposed works, which appear not to affect any of the significant trees. I have no objection to the cypress hedge being replaced by a new hedge, although I think in this rural location a native hedge, or at least a beech or hornbeam hedge, would be better.

Quantock Hills AONB - The AONB Service trusts that due consideration will be given to the fact that the property is on a main arterial route to the Quantock Hills and as such any landscape changes to facilitate separation of the property will need to be sensitive to the character of the property and wider landscape setting. Close board fencing and laurel or conifer hedge planting, as proposed, are more typical of a suburban environment and are not considered sensitive landscape treatments within a nationally protected landscape. Circular posts and half round rails with a planted native hedgerow would, for example, respond to the surrounding agricultural context and would allow the subdivision of the plot to be better assimilated into the landscape. It is the execution of such details that can ensure a more sensitive approach to change within this Area of Outstanding Natural Beauty.

Representations Received

None received.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

OC1	Open Countryside development
SD1	Presumption in favour of sustainable development

Retained saved policies of the West Somerset Local Plan (2006)

T/8	Residential Car Parking
H/6	Conversion to Residential of Holiday Accomodation

Determining issues and considerations

The main issues in the consideration of this application are the creation of a new dwelling in open countryside, highway impact, affect on the setting of the listed buildings, affect on the character and appearance of the AONB and the impact on neighbours.

1. Creation of a new dwelling in open countryside

As Flaxpool Cottage is situated outside an existing settlement it is defined as being located within open countryside where Policy OC1 of the Local Plan is the relevant settlement policy. It states,

The open countryside includes all land outside of existing settlements, where development is not generally appropriate. In exceptional circumstances development may be permitted where this is beneficial for the community and local economy.

Development in the open countryside (land not adjacent or in close proximity to the major settlements, primary and secondary villages) will only be permitted where it can be demonstrated that either:

- *Such a location is essential for a rural worker engaged in eg: Agricultural, Forestry, Horticulture, Equestrian or Hunting employment, or;*
- *It is provided through the conversion of existing, traditionally constructed buildings in association with employment or tourism purposes as part of a work/live development, or;*
- *It is new-build to benefit existing employment activity already established in the area that could not be easily accommodated within or adjoining a nearby settlement identified in policy SC1, or;*
- *It meets an ongoing identified local need for affordable housing in the nearby settlement which cannot be met within or closer to the settlement, or;*
- *It is an affordable housing exceptions scheme adjacent to, or in close proximity to, a settlement in the open countryside permitted in accordance with Policy SC4(5).*

Applications for dwellings under this policy that would not be located in a settlement identified in policy SC1 or any other settlement, would be considered subject to a functional and economic test. Where permission is granted consideration would be

given to this being initially made on a temporary basis.

The proposal does not accord with any of the above mentioned criteria and therefore the proposal does not comply with this policy.

Saved Policy H/6 of the former Local Plan is also relevant as it relates to the change of use of a building but carries less weight than Policy OC/1. This policy states that,

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

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

Within regard to the first criterion, no evidence has been submitted to demonstrate that every reasonable attempt has been made to secure a business use. The second and fourth criteria are complied with as the proposal will not adversely affect the character of the area, residential amenities or nature interests and there is no alterations proposed to the building. Criterion ii however is not complied with as the Highway Authority have raised an objection which is discussed in more detail below.

Paragraph 55 of the National Planning Policy Framework (NPPF) provides guidance on promoting sustainable development in rural areas. Housing should be located where it will enhance or maintain the vitality of rural communities. The creation of an additional dwelling at Flaxpool Cottage will not be sustainable as there will be a reliance on the motor vehicle as for example walking to the nearest village of Crowcombe where there are facilities such as a village shop and church would not be safe as the only access for pedestrians is via the A358 which is not lit and has no pavements.

It is contended that the principle of the conversion of the barn conversion section of Flaxpool Cottage into a separate dwelling is not acceptable as it does not comply with the above two policies or the NPPF.

2. Highway impact

Flaxpool Cottage has a shared access with the adjoining property, Narnia. It is proposed to widen the access to 5m from 3m for 12m as measured back from the carriageway edge. This section of the road will also be tarmaced rather than stoned as at present. The visibility splay in an easterly direction is also to be improved with the removal of the conifer hedge. This will mean that the visibility splay will be increased in length by approximately 30m.

The Highway Authority have objected to the proposal as they consider that using a substandard access (due to inadequate visibility splay in an easterly direction) for an additional dwelling and therefore attracting additional traffic movements should not be promoted. It is noted that the applicants are proposing to improve the access but as the standards required have not been met it is considered that the impact on the highway is such that the application should be refused on highway safety grounds.

3. Affect on the setting of the listed buildings

As Narnia and Flaxpool Cottage and the associated shelter barns are Grade II listed buildings, the setting of these buildings need to be assessed. As there are no external alterations proposed to the 'annexe' the setting of the buildings will be preserved. The proposed removal of the hedge with its replacement with a quickthorn hedge will enhance the setting Flaxpool Cottage whereas the creation of the parking spaces and the siting of the recycling bin area and garden shed will have a neutral affect the setting of Narnia and Flaxpool Cottage due to their location, materials to be used and size.

4. Affect on the character and appearance of the AONB

Through negotiation, the proposed replacement hedge is now proposed to be quickthorn rather than conifers or Laurel as had been proposed. This will be an enhancement in that a more rural appearance along this section of Flaxpool Hill will be achieved. The 1.8m fencing that was to be provided on the roadside part of the proposed garden has also been amended from 1.8m vertical close boarded fence to post and rail to match that proposed behind the amended visibility splay. This type of fencing is more in keeping with a rural location compared to the more suburban close boarded fencing previously suggested to be erected.

5. Impact on neighbours.

An additional dwelling is likely to create more car movements, probably 6-8 per day according to the Highway Authority. This increase in vehicle movements is not considered to be sufficient to adversely affect the amenities of neighbours. The proposed garden area that is to be allocated to the proposed new dwelling is small but will enable the occupants to have some outside space. This garden however adjoins Flaxpool Cottage and there is a bedroom window that looks towards this garden area. Due to the setting back of the window into the cottage's wall and as it

is a bedroom window it is considered that there will limited overlooking and that the degree of overlooking is not sufficient to consider that the overlooking is such that it would result in a reason for refusal.

In conclusion, whilst the proposal will not adversely impact on neighbours or on the character and appearance of the AONB or the setting of listed buildings it is considered that due to the proposed new dwelling being located in open countryside which does not accord with policies OC1 and H/6 and as the proposed improved access would still be inadequate so constituting a highway safety issue, it is recommended that planning permission be refused.

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



Application No 3/07/17/002
 Conversion of annexe into
 residential dwelling with
 formation of car parking and
 amenity space and improvement
 to access
 Flaxpool Cottage, Flaxpool Hill,
 Crowcombe, TA4 4AW
 18 January 2017
 Planning Manager
 West Somerset Council,
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932



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Delegated Decision List

Ref No.	Application	Proposal	Date	Decision	Officer
3/01/17/001	Braeside, 12 Dashwoods Lane, Bicknoller, TA4 4EQ	Erection of single storey extensions to the side and rear	16 March 2017	Grant	SW
3/04/16/010	20 Nicholas Close, Brushford, Dulverton, TA22 9AN	Erection of two storey rear extension and porch canopy to the side elevation (resubmission of 3/04/16/008)	15 Feb 2017	Grant	SW
3/21/16/125	14 Widgeon Close, Alcombe, Minehead, TA24 6UH	Erection of a conservatory to the rear elevation (retention of work already undertaken)	15 Feb 2017	Grant	SW
3/21/16/126	39 King George Road, Minehead, TA24 5JD	Erection of single storey side extension to east elevation to form boot room and store	15 Feb 2017	Grant	SW
3/21/16/127	Badger End, Higher Orchard, Minehead, TA24 8SD	Removal of hedge and construction of shiplap timber fence (retention of works already undertaken)	15 Feb 2017	Refuse	SW
3/21/16/131	The Garages, Hillview Close, Minehead, TA24 8GQ	Replacement of garage block with erection of 1 No. dwelling (amended scheme to 3/21/16/068)	16 Feb 2017	Grant	SK
3/21/17/004	21 Tregonwell Road, Minehead, TA24 5DU	Change of use of first floor to 2 No. B & B suites with dining provisions on the	01 March 2017	Grant	SK

ground floor and
associated parking

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/17/005	5A Mallard Road, Alcombe, Minehead, TA24 6UE	Erection of a single storey extension to the west elevation (resubmission of 3/21/16/057)	27 Feb 2017	Grant	SW

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/17/007	4 Ponsford Road, Minehead, TA24 5DX	Erection of an attached single storey garage extension to the south elevation and widening of vehicular access	07 March 2017	Grant	SW

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/17/015	63 Ponsford Road, Minehead, TA24 5DY	Erection of a single storey lean-to extension to the north elevation and a two storey hipped roof extension to the east elevation plus formation of access and vehicle parking (retention of works partly undertaken) (re-submission of 3/21/16/089)	09 March 2017	Grant	SW

Ref No.	Application	Proposal	Date	Decision	Officer
3/26/16/030	18 Old Cleeve, Minehead, TA24 6HJ	Replacement of wood burner and flue system, installation of ventilation bricks and addition of chimney pot to chimney stack	16 Februa ry 2017	Grant	EP

Ref No.	Application	Proposal	Date	Decision	Officer
3/26/16/031	18 Old Cleeve, Minehead, TA24 6HJ	Replacement of wood burner and flue system, installation of ventilation bricks and addition of chimney pot to chimney stack	16 Feb 2017	Grant	EP

Ref No.	Application	Proposal	Date	Decision	Officer
3/26/17/001	Flat 6, Mellory, Monks Path, Old Cleeve, Minehead, TA24 6HS	Replacement of a window on the north-west elevation with a door	08 March 2017	Grant	SW
3/30/17/001	Hendover Farm, Skilgate, Taunton, Somerset, TA4 2DQ	Application for a prior notification for the erection of an agricultural building	15 Feb 2017	Prior approval not required	SK
3/31/16/018	Wynes, 1 Hill Street, Stogumber, Taunton, TA4 3TD	Erection of log cabin to be ancillary to the main dwelling, to replace mobile home consisting of two caravans fixed together	23 Feb 2017	Grant	SW
3/31/17/004	3 Lower Preston Farm Cottages, Preston Lane, Stogumber, TA4 3QQ	Erection of replacement porch	16 March 2017	Grant	SW
C/21/17/001	6 Grove Place, Manor Road, Alcombe, Minehead, TA24 6EN	Approval of details reserved by condition 4 (relating to a sample of natural slate) in relation to Listed Building Consent 3/21/16/050	24 Feb 2017	Grant	EP
C/21/17/002	10 The Parks, Minehead, TA24 8BS	Confirmation of compliance with condition 3 (relating to the painting of the new windows and French doors) and condition 7 (relating to the use of lime render) and approval of details reserved by condition	03 March 2017	Grant	EP

6 (relating to details of the internal door) in relation to Listed Building Consent
3/21/05/102

Ref No.	Application	Proposal	Date	Decision	Officer
C/26/16/002	Abbey Mill Farm, Abbey Road, Washford, Old Cleeve, Watchet, TA23 0PS	Approval of details reserved by conditions 12 (relating to details of floor treatment) and 13 (relating to a photographic record of the pencil graffiti in the ground floor hallway) in relation to Listed Building Consent 3/26/15/023	16 Feb 2017	Grant	EP

Ref No.	Application	Proposal	Date	Decision	Officer
HPN/21/17/001	Quay West Cottage, Quay West, Minehead, TA24 5UN	To erect a replacement extension projecting 4.05m from the rear wall with a height of 3.1m as specified by the following submitted details: Application form, DrNo 7072.2 - Plans and Elevations as Proposed, DrNo 7072.5 - Location Plan, DrNo 7072.7 - Site Plan.	10 March 2017	Permitted Development	SW

Ref No.	Application	Proposal	Date	Decision	Officer
NMA/21/17/001	Sharlune, Beacon Road, Minehead, TA24 5SE	Non-material amendment to planning permission 3/21/16/116 in order to change the 3-bay car parking retaining wall structure from a chamfer to a curved corner and for the retaining wall to be finished in facing brick instead of a concrete finish.	01 March 2017	Grant	SW

Ref No.	Application	Proposal	Date	Decision	Officer
PRE/07/17/001	Leigh Mill, Leigh Lane, Crowcombe,	Erection of replacement dwelling	08 March	Advice Given	SK

TA4 4BL

with associated
garaging, turning
space and gardens

2017

Appeal Decision

Site visit made on 19 January 2017

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 27 January 2017

Appeal Ref: APP/H3320/D/16/3161136

10 College Close, Minehead, Somerset TA24 6SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tomasz Wagner against the decision of West Somerset Council.
 - The application, Ref. 3/21/15/099, dated 18 January 2016, was refused by notice dated 28 July 2016.
 - The development proposed is the erection of a canopy.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The canopy has already been erected and the appeal application is therefore for retrospective permission.
3. I was unable to gain access to the property at the arranged time. However, I was able to see the canopy from a nearby garage court and this, together with photographs submitted by the appellant and neighbours, has provided enough information for me to assess its impact.

Main Issue

4. The main issue is the effect on the canopy on the character and appearance of the dwelling and its surroundings.

Reasons

5. The Council's objection is that the design and the size of the canopy, in particular its height, is unsympathetic to the existing dwelling. The appellant argues that the structure has the appearance of a conservatory (of which there are at least two others on the estate); the design is pleasingly simple and the materials are of a good quality.
 6. I have taken those points into account but I am nonetheless of the view that because of its somewhat awkward relationship with the rear wall of the house and its height close to the boundary fence, the canopy is of a poor design that draws the eye and is perceived as being unsightly. I am also not convinced that the polycarbonate sheeting is a material of a standard that would be normally found in the construction of a conservatory.
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7. In lower density residential developments where the dwellings have larger gardens and more effective boundary screening the structure just might be considered acceptable. However, No. 10 College Close is part of a tightly knit modern development with a cohesive design where there is inter-visibility between the properties and where a somewhat unorthodox structure, as is the case here, appears noticeably out of keeping. Thus whilst I appreciate the advantages of the canopy to the appellant I am minded to accept the assessments of neighbouring occupiers and the Council that the appearance of the canopy is not acceptable.
8. Overall, I therefore conclude that the canopy is harmful to the character and appearance of the host dwelling and its surroundings in conflict with Policy BD/3 of the West Somerset Local Plan 2006 and Section 7: 'Requiring Good Design' of the National Planning Policy Framework 2012.
9. The appeal is therefore dismissed.

Martin Andrews

INSPECTOR

Costs Decision

Site visit made on 31 January 2017

by H Porter BA(Hons) PGDip IHBC

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

Decision date: 27 February 2017

Costs application in relation to Appeal Ref: APP/H3320/W/16/3164053 Higher Thornes Farm, Lower Weacombe, Taunton, Somerset TA4 4ED

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Kenneth Bosley for a full award of costs against West Somerset Council.
 - The appeal was against the refusal of planning permission for the conversion of existing stable building to a holiday unit.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Paragraph 16-033-20140306 of the Government's Planning Practice Guidance (the PPG) advises that costs cannot be claimed for the period during the determination of the planning application. However, although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in the consideration of whether or not costs should be awarded.
 3. Paragraph 16-049-20140306 of the PPG states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
 4. The appellant states that the Council behaved unreasonably in their failure to approve the proposed development in line with advice given to the applicant prior to the formal submission of a planning application. The applicant considers the scheme presented to the Council had been the same and there were no material factors to warrant the subsequent refusal.
 5. Informal advice given before an application is made is given without prejudice and cannot pre-determine the outcome of a subsequent application, which must take account of all material factors. In this case, these factors included a detailed assessment of the submitted plans against local and national policies. The degree to which an appeal proposal accords, or fails to accord, with these policies is a matter of judgement.
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6. The Council's statement that the proposed development was acceptable in principle did not imply that it would ultimately gain planning consent. Whilst I appreciate the applicant sought to engage proactively with the Council, positive engagement on behalf of the Council does not necessarily have to result in a permissible scheme. I therefore do not find that the Council behaved unreasonably in the procedure leading up to the appeal or that it failed to engage positively with the applicant on the basis of the information before me.
7. I recognise that the outcome of the application will have been a disappointment. However, I am satisfied that the Council has shown that it was able to substantiate its reasons for refusal. Following consideration of the application on its merits alone, and on the basis of all the information submitted, I have concurred with the Council's assessment that the adverse impacts of the development would result in material harm to the character and appearance of the countryside; and that planning permission should have been refused.
8. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case. As such, there can be no question that the applicant was put to unnecessary or wasted expense.

Other Matter

9. I understand that allegations of misconduct on behalf of a Council Ward member are a matter being pursued separately by the applicant. The administration of the original application is a matter of local government accountability. Based on the information I have before me, it would not be reasonable to consider this matter under an application for costs against the Local Planning Authority.

Conclusion

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. No award for costs is made.

H Porter

INSPECTOR

Appeal Decision

Site visit made on 31 January 2017

by H Porter BA(Hons) PGDip IHBC

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

Decision date: 27 February 2017

Appeal Ref: APP/H3320/W/16/3164053

Higher Thornes Farm, Lower Weacombe, Taunton, Somerset TA4 4ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Kenneth Bosley against the decision of West Somerset Council.
 - The application Ref 3/28/16/005, dated 1 August 2016, was refused by notice dated 30 September 2016.
 - The development proposed is conversion of existing stable building to a holiday unit.
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Decision

1. The appeal is dismissed.

Application for costs

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

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the countryside, with special regard to the Quantock Hills Area of Outstanding Natural Beauty.

Reasons

4. Situated well outside any nearby settlement, the appeal site is within the category of open countryside and close to the Quantock Hills Area of Outstanding Natural Beauty (the AONB), which is afforded the highest status of protection in relation to its landscape and scenic beauty. The site is nestled within a wider rural landscape of rolling hills and within a cluster of domestic farmhouses, ancillary outbuilding and stables associated with the use of the land for the grazing and keeping of horses. The appeal concerns an L-shaped stable block, which occupies a small portion of the wider landholding associated Higher Thornes Farm. Separated from the main two-storey detached dwelling by an area of hard-standing, the stable block appears to be visually and functionally ancillary to it. Visually unremarkable and utilitarian, the existing structure, with its small yard in front of it is clearly associated with its former use for the purpose of sheltering horses.
 5. The proposal would convert the existing stable block into a two-bedroom holiday unit with an attached covered area to replace the existing fruit cage on
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- the rear elevation. Although the overall form of the existing structure would remain, the proposed adaptations for residential use, such as extending the floor area to the eaves line, and the door and window openings, would fundamentally alter the character and appearance of the structure. As a result, the structure would no longer be read as being ancillary to the host dwelling but rather as a stand-alone dwelling with an uncharacteristically suburban appearance.
6. While the small green space to the side of the existing stable block may currently form part of the domestic curtilage of the main farmhouse, it has an informal character and incidental appearance. The proposed covered area and access door suggest that this area would become part of the outdoor amenity space for the proposed holiday unit. As such, this area, the front yard and the associated parking area would all become increasingly domestic in character, with the likely inclusion of additional domestic paraphernalia such as a hot tub, washing line, outdoor seating and plant plots.
 7. Overall, in my judgement, the appeal scheme would introduce a domestic formality and level of activity at odds with the setting and adjacent countryside usage, including stabling and grazing. Consequently, even if the proposed holiday unit would not be particularly prominent in the wider context, the area would be increasingly domesticized, to the detriment of its rural character and appearance.
 8. For these reasons, I conclude that the proposed development would result in material harm to the character and appearance of the countryside. The development is therefore contrary to Saved Policy H/6 and BD/3 of the West Somerset District Local Plan, 2006 as well Policies SC1 and OC1 of the West Somerset Plan 2032, insofar as they require alterations are in character and appropriate to the building to which they relate; and which only permits holiday accommodation where it would not adversely affect the character of the surrounding countryside.
 9. I have considered the proposed use of the development for a holiday cottage. Although, in planning terms, a dwelling house is defined by its ability to afford those who use it the facilities required for day-to-day private domestic existence, it would not lose that characteristic even if occupation for the purposes of holiday letting is restricted by condition¹. Paragraph 55 Framework therefore applies, which seeks to avoid new isolated homes in the countryside unless there are special circumstances. Overall, the proposed design would fall well short of the exceptional quality or enhancement to the immediate setting where redundant buildings are reused sought by paragraph 55; therefore none of the special circumstances under which new isolated homes in the countryside area permitted would be fulfilled.
 10. Even if the proposal should be treated more as a rural business that would support tourism and thus a prosperous rural economy, paragraph 28 of the Framework establishes that such businesses should respect the character of the countryside and be in appropriate locations where identified needs are not met. There is no substantive evidence to suggest that the appeal site is appropriately located, other than being within reach of a highway; or that a holiday letting business in this location would be viable. In light of this, I find that there is insubstantial evidence to establish whether the proposed holiday

¹ *Gravesham BC v SSE and O'Brien*, [1983] JPL 307

unit would enhance or maintain the vitality of the rural community. The proposal would therefore also run counter to paragraph 28 of the Framework.

11. While there would be some economic benefit during the construction phase, and possible local employment, this of moderate weight. Any tangible benefit in relation to supporting a prosperous rural economy, and the associated benefit to local services that would arise from just one holiday unit would be relatively small. The lack of objection in relation to highway safety or living conditions is a neutral factor in the overall planning balance. I therefore do not consider that the harm to the character and appearance of the countryside would be sufficiently outweighed by the benefits.

Other matters

12. There are conflicting statements from the Council regarding whether or not the appeal site is situated within the AONB. If it is outside, however, it not disputed that the site is very close to it. Given the scale and form of the proposed development, and the level of screening from the surrounding buildings and fields, I consider that the landscape and scenic beauty of the AONB would be conserved. A lack of harm in this regard, however, does not alter my overall conclusion.
13. I note the appeal decision APP/H3320/W/15/3006586 referred to by the appellant. As already stated, the scale and nature of the development currently under consideration are materially different to those before the previous Inspector. In any event, I have determined the appeal on its own merits. I note the appellant's comments about the manner in which the Council determined the application. However, my role in this matter is confined to a consideration of the appeal proposal on its individual planning merits.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR

Costs Decision

Site visit made on 31 January 2017

by **H Porter BA(Hons) PGDip IHBC**

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

Decision date: 16 March 2017

Costs application in relation to Appeal Ref: APP/H3320/W/16/3163154 Building east of Luckes Lane, Lower Weacombe, Williton, Taunton TA4 4LP

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs Stafford for a full award of costs against West Somerset Council.
 - The appeal was against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Paragraph 033 of the Government's Planning Practice Guidance (the PPG) advises that costs cannot be claimed for the period during the determination of the planning application. However, although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in the consideration of whether or not costs should be awarded.
 3. Paragraph 049 of the PPG states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal, and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
 4. The application essentially relies on the fact that the Council Officers erred in their assessment of the proposal through relying on evidence submitted anonymously and on the assertions of third parties.
 5. I note the applicant's concerns regarding the Council accepting anonymous representations and potential inaccuracies in the Officer's on-site observations. However, the administration of the original application is a matter of local government accountability and not something that I can consider under an application for costs against the Local Planning Authority.
 6. In this case, the key issue was whether the appeal building was being used solely for the purposes of agriculture on 20 March 2013. The Council had no conclusive evidence from the appellant to ascertain this one way or the other, and had received counter claims from various third party sources. The
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decision, therefore, is one which is a matter of judgement. While it will be seen from my decision that I concluded, on the balance of probabilities, that the site was in sole agricultural use on 20 March 2013, the Council were entitled to come to the contrary view based on the evidence before them.

7. It follows that I am satisfied that the Council has shown it was able to substantiate its reason for refusal. As a result, I cannot agree that the Council has acted unreasonably in this case and there can be no question that the applicant was put to unnecessary or wasted expense.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

H Porter

INSPECTOR

Appeal Decision

Site visit made on 31 January 2017

by **H Porter BA(Hons) PGDip IHBC**

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

Decision date: 16 March 2017

Appeal Ref: APP/H3320/W/16/3163154

Building east of Luckes Lane, Lower Weacombe, Williton, Taunton TA4 4LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr & Mrs Stafford against the decision of West Somerset Council.
 - The application Ref ABD/28/16/001, dated 25 July 2016, was refused by notice dated 21 September 2016.
 - The development proposed is described as 'conversion of the agricultural building as shown on the accompanying plans'.
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for the conversion of the agricultural building as shown on the accompanying plans at the building east of Luckes Lane, Lower Weacombe, Williton, Taunton TA4 4LP in accordance with the details submitted pursuant to Schedule 2, Part 3, Paragraph W(2) of the GPDO through application Ref ABD/28/16/001, dated 25 July 2016. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2 (3) of the 2015 GPDO.

Application for costs

2. An application for costs was made by Mr & Mrs Stafford against West Somerset Council. This application will be the subject of a separate Decision.

Background

3. Subject to a number of conditions and restrictions, the GPDO grants permission for the change of use of agricultural buildings and land within their curtilage to a use falling within Class C3 (dwellinghouses) (Q(a)) and any building operations reasonably necessary to convert the building (Q(b)). The application is one made in respect of Class Q (a) and (b) for the conversion of an agricultural building east of Luckes Lane. Paragraph Q.1 provides a list of exclusions as to when development would not be permitted by Class Q, including that it was used solely for an agricultural use as part of an established agricultural unit on 20 March 2013. In this case, the Council consider that the building was not used solely for an agricultural use, or that the appellant has provided insufficient evidence to demonstrate that it was. On
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this basis, the Council have concluded that the scheme would not be permitted development.

4. The provisions of the GPDO require that where a development is proposed under Class Q (a) and (b), the developer must apply to the local planning authority for a determination as to whether prior approval is required in relation to matters outlined in Paragraph Q.2(1) (a to f). The Council's Decision Letter does not refer to specific matters identified at Paragraph Q.2(1) as it finds that the scheme would not represent permitted development. As no specific concerns regarding any matters identified at Paragraph Q.2(1) have been raised; I have taken this to mean that the Council concluded that prior approval would not be required for those matters. Interested parties' comments, however, raise concerns regarding the potential impact on the nearby Quantock Hills Area of Outstanding Natural Beauty (the AONB); and whether the building would be capable of functioning as a dwelling. These concerns therefore call into question whether the conditions at Paragraph Q.2(e) and (f) would be satisfied by the proposed development. I have dealt with the appeal on this basis.

Main Issues

5. The main issues in the appeal are whether the appeal site was used solely for an agricultural use as part of an established agricultural unit on 20 March 2013, and therefore constitutes permitted development under Schedule 2, Part 3, Class Q of the GPDO; and, if permitted development, whether or not prior approval should be granted.

Reasons

Whether permitted development

6. Class Q (a) applies to development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses). However, development is not permitted by virtue of Class Q.1 (a)(i) if the site was not used solely for agricultural use as part of an established agricultural unit on 20 March 2013.
7. The appeal relates to a substantial barn constructed of a steel-frame, cement sheet roof, clad in timber boarding, with large metal rolling doors to the gable ends. The building was constructed under a prior approval notification granted in 2010, indicating that at that point in time the Council were satisfied that the building would be erected for agricultural use. The building is currently under license for the purpose of keeping sheep. The appeal site's red line boundary incorporates a small area of hard standing at the front and around the perimeter of the main structure, within a wider rural context of open fields and paddocks. Until the summer of 2016, the appeal site had formed part of a wider landholding associated with Higher Thornes Farm.
8. A planning application dated June 2013 (3/28/13/004) proposed the change of use of buildings and part of the land of Higher Thornes Farm for dual agricultural and equestrian use. This permission, however, specifically excluded the appeal building and 32 acres of land around it. In support of this planning application, an independent equine appraisal report, dated 23 May 2013, identified these 32 acres of pasture land, for sheep grazing. A Statutory Declaration, signed by the current owners of the building, records a

- conversation with the former landowner who confirmed the site and surrounding land was included in a Single Payment Scheme, and the building was used to store fodder and hay. Albeit this verbal account has lesser weight than if it were signed by the former landowner, it is sworn to be true and does provide further emphasis to the case that the appeal site was in agricultural use around the time of 20 March 2013. Furthermore, the fact that there has been no breach in the Rural Payments Agency's cross compliance rules and the CHP number indicates that the land has been used for keeping sheep.
9. More recent evidence, dating from the time the appeal building and surrounding land was sold in mid-2016, indicates that at least part of the land excluded from the 2013 mixed-use permission was being used for grazing horses. Accounts from parties who viewed the interior of the barn in June 2016 reported partitions and stable doors were in place; and the photograph of the building from the sales particulars show metal gate partitions inside the barn as well as a stack of hay bales. While the sales particulars identify the surrounding land as 'paddocks', they also classify the barn as being a 'modern agricultural building'. At the time of the Planning Officer's visit, the structure was being used for the storage of hay and machinery, although horses were grazing the paddocks nearby. What I saw on site accorded with the Officer's observations of the building's interior, which contained hay and paraphernalia that was clearly agricultural in nature.
 10. The photograph from the sales particulars, as well as third-party accounts indicates that the contents of the appeal building are clearly changeable and that the land surrounding the appeal site may have been used for grazing horses by 2016. However, the Council have not raised any enforcement action in relation to any obvious breach of planning control between the time the building was erected in 2011 and 2016.
 11. While I accept some evidence does imply that part of the building may have been used for non-agricultural uses associated with the equestrian facility at Higher Thornes Farm in 2016, the evidence of such activity significantly post-dates 20 March 2013. On the other hand, the 2013 planning permission, equestrian report, verbal account from the previous landowner through a Statutory Declaration, as well as the CHP payments cumulatively amount to compelling evidence closer to the pertinent date.
 12. Based on the evidence before me, and on the balance of probability, I conclude that on 20 March 2013 the appeal site was used solely for an agricultural use. The council has not raised any issue with the proposed development not complying with the other limitations set out in Paragraph Q.1 (b) – (m) of the GPDO, I have no reason to disagree with this position. I am therefore satisfied that the proposal complies with the relevant limitations and restrictions set out in the GPDO and so would be permitted development under Class Q.

Whether prior approval would be required

13. Paragraph Q.2 (e) relates to whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouse). The Planning Practice Guidance (the PPG) advises that an agricultural building in a location where the local planning authority would not normally grant planning permission for a new dwelling is not sufficient reason for refusing prior

approval¹. The PPG also establishes that when considering location and siting, tests from the National Planning Policy Framework should not be applied except where they are relevant to the subject matter of the prior approval.

14. The proposed conversion would involve the insertion of aluminium framed windows and doors, rooflights and standing-seam roofing supported by the existing steel frame and concrete pad. No further external alterations are proposed, and the curtilage of the proposed dwellinghouse would be no greater than the existing agricultural building. The red line around the application site is tightly drawn to include a small strip around the perimeter of the building, as well as the existing access and parking to the front. The wider parcel of land is not included within the site. The scope to harmfully urbanise or domesticise the exterior of the site would be limited and any use of the land outside the red line would be a matter for the Council to consider. The building already forms part of the character and appearance of the landscape and the external alterations proposed would not, in my judgement, result in any material harm to the wider context, or to the landscape and scenic beauty of the nearby AONB.
15. The appeal decision APP/W1145/W/15/3139734 is concerned specifically with Paragraph Q.2(1)(e) of the GPDO. While not knowing the specifics of that case, I note the proposal had included the implementation of a new, long, gravelled track as well as a large domestic curtilage in an exposed location. It was these aspects that led the previous Inspector to conclude that development would be harmful to its surroundings. It is clear that the site-specific circumstances before me are materially different. In any event, I have assessed the proposal on its own merits.
16. The appellant has submitted evidence by way of a structural report to indicate the soundness of the existing structure. There is no indication that any new structural elements would be required in converting the building. There is no substantive evidence before me to conclude other than that the existing building is structurally strong enough to take the loading which comes with the the external works to provide for residential use.
17. Consequently, I conclude that the location or siting of the building does not make it impractical or undesirable for the building to change from an agricultural to a residential use and the building operations required would not fall outside of those reasonably necessary to convert the building to residential use. In light of this, and that there is no evidence that other prior approval is needed for other parts of Q.2(1), prior approval would not be required in relation to matters outlined in Paragraph Q.2(1) (e) and (f).

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

H Porter

INSPECTOR

¹ 13-109-20150305