

**FORMATION OF HARDSTANDING FOR THE SITING OF A CARAVAN, IN CONNECTION WITH THE MAINTENANCE OF THE ORCHARD, ERECTION OF STORAGE BUILDING AND CREATION OF AN ACCESS TRACK AT DAISY ALICE ORCHARD, WEST SEDGEMOOR ROAD, HELLAND, NORTH CURRY AS AMENDED BY APPLICANTS LETTER DATED 12TH OCTOBER 2010, DESIGN AND ACCESS STATEMENT AND ATTACHED PLANS.**

Grid Reference: 333045.124216

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposed hardstanding and store are required in connection with the maintenance and up keep of the small orchard and are considered to be acceptable and would not harm visual nor residential amenity of the area. Therefore, the scheme accords with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7(Outside Settlement) , and EN12 (Landscape Character Areas).

**RECOMMENDED CONDITION(S) (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A2) Implement Store Elevation plans received on 13th October 2010  
(A1) Block plan and location Plan dated Oct 2010 and received on 13th October 2010

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

3. Only those materials specified specified on the submitted plans shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policies S2 and EN12 of the Taunton Deane Local Plan.

4. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of new willow trees to be planted along the boundary with the highway at the south of the site, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended or amended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies EN12, S1 and S2.

5. The finished level of the hard-standing shall be set between 6.7m AOD and 6.8m AOD.

Reason: To protect the development and any future occupants from flooding in accordance with the requirements of Planning Policy Statement 25 and to ensure that the hard-standing is not elevated above ground level in order to protect the visual amenity and character of the area in the event of any caravan/motorhome being sited on it in the future, in accordance with the requirement of Taunton Deane Local Plan policy S1, S2 and EN12.

6. Prior to the siting of a any form of temporary accommodation on the hard-standing hereby permitted, a flood warning and evacuation plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall thereafter be implemented whenever temporary accommodation is sited on the hard-standing.

Reason: To reduce the impact of flooding on the users of the site in accordance with Planning Policy Statement 25.

#### Notes for compliance

1. You are advised that under Class B Part 4 of The Town and Country Planning (General Development) Order 1995 the siting of one caravan or

motorhome id permitted development UP TO a maximum of 28 days in any calendar year. The siting of a caravan/motorhome for 29 days or more in any calendar year will require planning permission.

2. Your proposed hard standing would be adjacent to the Sedgemoor Old Rhyne and drainage ditches where the Parrett Internal Drainage Board's Bylaw 10 prohibits the construction of any building or structures including landscaping within 9m of the watercourse without the prior consent of the Drainage Board. The Board may be able to agree a lesser distance if a Land Drainage Consent application is first submitted and you are advised to contact The Parrett Internal Drainage Board on 01278 789906, [drainage.boards@btconnect.com](mailto:drainage.boards@btconnect.com) to discuss this further.
3. Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, will encroach on land outside of your ownership without the permission of the landowner .
4. This permission does not include the creation of bridge in the south west corner of the site as it is not referred to on the planning application forms, it involves highway land not in the ownership of the applicant and no details have been supplied in the application.

## **PROPOSAL**

The proposal is for the creation of a caravan hard standing measuring 6m x 12m and the erection of a machinery store, measuring 3m x 4m x 3.1m high. The machinery store would be constructed with timber shiplap boarding and a pitched mineral felt roof. The caravan hard standing and store would be located at the west of the site adjacent to an existing treed area where its impact on the wider landscape is limited. A new entrance track would be formed adjacent to the new gates at the east of the site. This would be 3m wide and 10m in length and formed by formed with crushed stone. The applicant intends to site a caravan on the hardstanding for temporary periods in order to maintain the orchard, such equipment is currently sited in an old caravan.

## **SITE DESCRIPTION AND HISTORY**

The site is located in the open countryside approximately 1 mile from the settlement limit of North Curry. It is accessed from a minor lane, at the north east corner of the site, which runs north from the A378 to North Curry. The Orchard is 0.28 ha (0.68 acres) and the submitted plan shows 12 apple trees growing on the site. The site runs parallel to the highway and is approximately 85m long x 32m wide. A hedge and/or drain run around the boundaries of the site and are between 3m and 4m in width.

24/09/0031- Erection of log cabin and wooden apple store on land at Daisy Alice Cider Orchard, West Sedgemoor Road, Helland, North Curry. Permission refused 23rd December 2009

## **CONSULTATION AND REPRESENTATION RESPONSES**

## Consultees

*SCC - TRANSPORT DEVELOPMENT GROUP* - The proposed development site lies outside any Development Boundary Limits and is therefore distant from services and facilities whilst public transport services are likely to be infrequent. As a consequence, occupiers of new development are likely to be dependant on their private vehicles. Such fostering of growth in the need for travel would be contrary to advice contained within PPG 13 and RPG10 and to the provisions of Somerset and Exmoor National Park Joint Structure Plan review policies STR1 and STR6 and policy S7 of Taunton Deane Local Plan policy S7. It is noted however that the application is now for temporary use in connection with the maintenance of the orchard and I have no objection as this would be a low level of vehicular use.

*NORTH CURRY PARISH COUNCIL* - object, granting permission for a hardstanding for a caravan and erection of a small storage shed would set a precedent for the area that is not justified on business grounds in relation to the orchard; an earlier permission for this was previously refused and the reasons are still extant; it is located on a site designated as at risk of flooding.

*ENVIRONMENT AGENCY* - withdraw the original objection as the site of the hardstanding is shown to be an area of flood zone 1. The land is surrounded by floodplain and therefore the hardstanding must have a minimum height of 6.7m AOD. The applicant should provide safe access over the stream at the south of the site to the highway, which is considered suitable as a means of escape in the case of flooding. There are no proposals for such an access and ownership of the land, that would be required to provide a bridge across the stream, is unclear. Furthermore land drainage consent would be required from the Internal Drainage Board. In the event that safe escape route cannot be provided the applicant would need to consider a stay put approach that would result in occupants being stranded until the flood waters subside. In any event the provision of a flood warning and evacuation plan should be conditioned.

*HERITAGE AND LANDSCAPE OFFICER* - original proposal : Given the open nature of the site i am concerned that the touring caravan and shed will have a significant landscape impact contrary to EN12. Revised proposal: The amended position of the shed is unlikely to have a significant landscape impact.

*ECONOMIC DEVELOPMENT MANAGER* - no comment

*PARRETT INTERNAL DRAINAGE BOARD* - Any increase in surface water run off will discharge into the Boards area within which it has jurisdiction and powers over matters relating to Ordinary Water Courses. To the north of the site there is a watercourse called the Sedgemoor Old Ryan which is a viewed rhyne and is maintained by the Drainage Board. Access to maintain all watercourses must be protected and this includes the field ditched around the site, which are considered a riparian responsibility. The siting of the hardstanding is within the Boards Bylaw requirement and could impede on the access to maintain the watercourse on the western boundary of the site. The Board's policy on development in close proximity to watercourses has changed in recent times and previously the Board concentrated on the protection of the viewed rhyne network, Bylaw 10 of the Parrett Internal Drainage Board's Bylaws prohibits the construction of any building or structures, including landscaping within 9m of any watercourse without the Board's consent.

Whilst the hardstanding is unlikely to present as problem with the maintenance of the adjacent watercourse the location of a caravan on the hardstanding clearly might. The Board can agree a lesser distance than the 9m if a land drainage consent application is submitted to the Board outlining the proposals. Within the details a maintenance strategy to maintain the watercourse should be detailed and any other information outlined. Whilst discussing the Land Drainage Consent requirements the Board believes that the current access arrangements have been modified. Those details should be identified to the Board but if the work has already been done they cannot be consented retrospectively. If the LPA are minded to allow this proposal an informative should be added.

## **Representations**

4 Letters of objection have been received from 3 members of the public raising the following objections:-

- The site is subject to flooding, within a flood zone 3b, it does not seem practical to site a caravan in areas prone to flooding;
- The proposal could result in a new dwelling in the long term, the site is remote from all facilities and is unsuitable even for the proposed use;
- The application is retrospective,
- The position of the hardstanding would be contrary to the drainage Board bylaws.;
- The orchard is adjacent to a high level stewardship facility and there have never been any buildings of the field before;
- An old caravan has recently been installed on the site;
- A hardstanding in this location is inappropriate and a means to an end;
- Bees have not been placed in this site;
- There has been no recent maintenance of the orchard and there are only a few cider apple trees with little fruit so there is no agricultural need for equipment storage;
- The applicant has blocked an existing right of way which the adjacent farmer claims to use on a regular basis.

## **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
S7 - TDBCLP - Outside Settlement,  
EN28 - TDBCLP - Development and Flood Risk,  
EN12 - TDBCLP - Landscape Character Areas,  
STR1 - Sustainable Development,  
STR6 - Development Outside Towns, Rural Centres and Villages,  
PPS7 - Sustainable Development in Rural Areas,  
PPS25 - Development and Flood Risk,  
PPS4 - Planning for Sustainable Economic Growth,

## **DETERMINING ISSUES AND CONSIDERATIONS**

Daisy Alice Cider Orchard is located on the Somerset Levels, beyond the settlement limits where new development is strictly controlled. Policy S7 restricts all such development unless it conforms to a specific development policy and where it involves new building it requires the building to be designed and sited to minimise

visual impact, be compatible with the rural location, relate well to existing buildings, avoid breaking the skyline; and use colours and materials which harmonise with the landscape. The proposed storage building would house machinery that would be used to maintain the orchard but the hardstanding would be used solely to provide a site for a temporary caravan or motor-home to be provided on a temporary basis (under the 28 day permitted development ).

The site lies within an area that is liable to flood. There is a small raised area within the site which is outside of the land which would flood (in Flood Zone 1) but it is surrounded by land in Flood Zone 2 and 3b where vulnerable uses, such as would be resisted. The Environment Agency do not object to the siting of a future caravan as it is placed on the Zone 1 area and whilst they would prefer to see a safe exit from the site to the road to the south if the applicant proposed to stay put in the case of the surrounding land flooding they would not object.

The site is accessed via a windy single track road which, whilst considered by the County Highway Authority to be unsuitable for use in connection with a touring caravan site (due to the likely number and type of vehicular movements), would be considered suitable for the temporary use (28 day max) for the maintenance of the orchard.

The site is located in a landscape character area where the visual impact of the development on the wider area is considered to be important. The proposed hardstanding would not be detrimental to the landscape of the area and the store had an agricultural design and has been sited at the far west of the site where its visual impact on the wider area is limited.

The cider apple trees are a form of agriculture and the applicant wishes to be able to visit the site in order to maintain the "orchard". The applicant can site a caravan for up to 28 days without requiring planning permission so there would be no additional visual impact as a result of any permission.

One of the objectors claims to have a right of way blocked by the applicant but land ownership issues are a private matter and are not a planning consideration.

Overall, the proposal is considered to be acceptable.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

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