

24/14/0011

MR & MRS A AGGUS AND MR S ACKLAND

RESIDENTIAL DEVELOPMENT OF LAND FOR UP TO 6 NO WORKPLACE HOMES AT KNAPP LANE ACRE, KNAPP LANE, NORTH CURRY

Location: KNAPP LANE ACRE, KNAPP LANE, NORTH CURRY, TAUNTON,
TA3 6AU

Grid Reference: 330962.125302

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

RECOMMENDED CONDITION(S) (if applicable)

1. The application site lies outside of the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map) and the proposal is therefore contrary to Policies CP4, SP1 and DM2 of the Taunton Deane Core Strategy.
2. The proposed development would have a detrimental impact on the rural character of the countryside area within which it sits and this is incapable of appropriate mitigation through landscaping of the site. It is therefore considered to be contrary to policies CP1, DM1 and CP8 of the adopted Taunton Deane Core Strategy.
3. The proposal does not accord with Policies CP6, CP7 and CP8 of the Taunton Deane Core Strategy 2011-2028 (adopted 11 September 2012) since the site has insufficient frontage to Knapp Lane to enable an estate road junction to be satisfactorily laid out incorporating the necessary visibility splays which are essential in the interests of highway safety; and furthermore the highway network close to the site is unsuitable in terms of its geometry at and between junctions for large commercial vehicles more likely to be generated by live work units than purely residential units.
4. The proposal does not provide a suitable means for securing the appropriate affordable housing, the Sustainable Urban Drainage scheme for the site, or a Travel Plan, and therefore is contrary to policies CP4, CP6 and CP7 of the adopted Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.
2. Although the reason for refusal includes one relating to the lack of a Planning Obligation under s106 of the Town and Country Planning Act, this has been added in order to safeguard the Council's position in the event of any subsequent appeal. It is expected that this issue could be resolved in the event of any appeal.

PROPOSAL

Permission is sought for 6 workplace homes, sometimes also known as 'live/work units' on the site of the former scaffolding business in North Curry. The application is made in outline with all matters reserved for future consideration. The proposal does therefore only seek the opinion of the Local Planning Authority on the principle of the development. Despite this, the application does include a feasibility study that shows the units arranged in a line as individual detached properties each with attached garaging and additional surface parking. They would all share a common access off Knapp Lane and provision is made for the turning and manoeuvring of larger vehicles at the end of the access road in between units 5 and 6.

SITE DESCRIPTION AND HISTORY

The site lies in the north-west of the village and is currently surrounded by open countryside and fields. It is therefore outside of the settlement boundary. It is a long thin parcel of land running parallel to, and with access off Knapp Lane. It was last used by a scaffolding business and as such had a B8 use as defined by the Town and Country Planning Use Classes Order (as amended). Permission was originally granted for that use under LPA reference 24/00/0017. The scaffolding business no longer operates from the site.

Application 24/00/0017 authorised the permanent use of the land and buildings at Knapp Lane Acre for scaffolding storage and maintenance together with alterations to the access. Permission was granted on 28th June 2000. There are no records of any applications for planning permission on the land since that time. However, the land adjacent (other side of the public footpath) is a proposed allocation for up to 20 houses in the proposed 'Site Allocation and Development Management Plan' - (SADMP).

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

NORTH CURRY PARISH COUNCIL -

The Parish Council support the granting of planning permission, but do not wish to

expand upon their reasoning.

LANDSCAPE -

The proposals would have an unacceptable impact on the rural character of the area and would be contrary to policy CP8.

The Landscape lead has since clarified that his objection is an 'in principle' one as the proposals would not be in keeping with the landscape character of the area. Even if the proposals were acceptable in planning terms, it is his view that there is little opportunity for landscape mitigation with the proposed scheme and so he would be objecting to the details of the proposals as well.

PLANNING POLICY -

The site lies beyond existing and proposed settlement limits as set out in the adopted Local Plan (2004), Core Strategy (2012) and the emerging SADMP. In this regard, the proposal is contrary to policy DM2 and SP1 (Development in the Countryside) and CP8 (Environment) of the Core Strategy.

The application is outline only. It contains no detail as to any existing buildings although they appear to be basic agricultural buildings on site. The proposal is clearly new build. As such, criterion 7 of policy DM2 (sequential approach to conversion of existing buildings) is not relevant. As there are no detailed layout plans I would suggest that from the submitted indicative street-scene, it is a residential development first and foremost. As shown, the work element is not apparent and the proposal in my view would be Class C3, any work element being incidental. There is no justification for a residential development in open countryside. Balanced against the consequences of precedent, it would not make a worthwhile contribution to a 5 year supply argument nor as shown, provide affordable housing (Core Strategy CP4).

As a 'brownfield' site, Core Strategy policy DM2 would allow continued employment use. If they propose live work units (although the application states it is for "Residential development"). I would expect a detailed proposal to show demand, detailed layout etc. Moreover, they would need to address why the proposal could not be accommodated on the Council's Preferred Option site at Knapp Lane if there is the identified demand and/or the Preferred Option site is of sufficient scale to accommodate small scale freestanding employment units. This option would also benefit from a single access from Knapp Lane rather than the additional one proposed by the current application.

Live/work units are not covered specifically under the provisions of Policy DM2 of the adopted Core Strategy. The Council does not accept that this means that the policy itself is inconsistent with the Framework given the need to consider such provision and review employment allocations. By the admission of the applicants, this site has only been vacant for a matter of months and it cannot be accepted that at this stage, no reasonable prospect exists that the site could be used for an employment use in the future.

The Framework recognises that live/work units may be appropriate but it does not follow that this is necessarily appropriate for any site/location. Given that the site is beyond established and proposed settlement limits and has not been marketed, it is not considered that the proposal is acceptable.

Recently 30 dwellings were allowed on appeal at Overlands, North Curry. The Policy Team do not consider that this has any particular implications for the determining of this planning application since the comments noted above and raised elsewhere demonstrate that the proposal would fail to meet the presumption in favour of sustainable development.

SCC - TRANSPORT DEVELOPMENT GROUP -

The streets that form the local highway network in North Curry are variable in width, passing places consisting of adhoc locations such as private driveways, and the geometry at some junctions is restricted. That said the network would accommodate some growth in traffic. Public transport provision is infrequent and therefore the majority of residents are reliant on the private car.

The existing use appears to result in a relatively low traffic generation for the small scaffolding company's business – storing and collecting scaffolding equipment. A condition of the permission granted (reference 24/00/0017) was that it should be used for the storage and maintenance of scaffolding only. There appears to be no business as such run from the site (no office or staff facilities). Therefore there would likely be a significant increase in the traffic generated by the proposed workplace homes. National logistics operations (delivery and collection of parcels and materials etc) use a range of vehicles up to the maximum permissible size, it is questionable whether large vehicles would be able to reach the access and having done so enter the site to reach the turning head proposed. It is likely that a driver of a long HGV would stop on, and so block, Knapp Lane if delivering materials or collecting items from the workplace units. The applicant has not shown how traffic of this nature can be managed by a range of small businesses operating from the proposed development.

The proposed access is considered to be sub-standard in terms of visibility as it appears that appropriate splays can only be provided by utilising third party land. This is not considered to be acceptable by the Highway Authority as the applicant would have no control over this land.

Therefore based on the above information the Highway Authority raises objections on the following grounds:-

The proposal does not accord with Policies CP6, CP7 and CP8 of the Taunton Deane Core Strategy 2011-2028 (adopted 11 September 2012) since the site has insufficient frontage to Knapp Lane to enable an estate road junction to be satisfactorily laid out incorporating the necessary visibility splays which are essential in the interests of highway safety; and furthermore the highway network close to the site is unsuitable in terms of its geometry at and between junctions for large commercial vehicles more likely to be generated by live work units than purely residential units.

SCC - RIGHTS OF WAY -

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs along the access to the site at the present time (footpath T 17/50).

I have no objections to the proposal, but the following should be noted: The health and safety of the public using the footpath must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a footpath unless the driver has lawful authority (private rights) to do so.

Authorisation may also be required for certain works from Somerset County Council Rights of Way Group. A temporary closure order will be necessary and a suitable alternative route must be provided.

DIVERSIONS OFFICER -

The proposed access to the development site carries part of public footpath T17/50. Subject to consents for the development, adequate health and safety measures should be put in place during the construction period. The current access surface will not be able to service the site during and after construction. Therefore an application must be made to the Rights of Way section at County Hall to secure consent to change the surface.

BIODIVERSITY -

The buildings on site are unlikely to be suitable for wildlife. However, there is always the possibility that bats or birds may be present in any building. So if permission is granted, the following note is suggested -

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

It is thought unlikely that bats and nesting birds will be affected by the proposals, however in the event of bats or nesting birds being encountered while work is being carried out to any property, work must cease immediately and advice must be obtained from the Government's advisors on wildlife - Natural England (Tel 01823 285500). Bats should not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed.

ENVIRONMENTAL PROTECTION -

Due to previous commercial uses of the site and the proposed residential use, it is recommended that potential contamination of the site is investigated before any

development commences. A condition has been suggested by the Council's Scientific Officer. It asks for a report to investigate the history and current condition of the site in order to determine the likelihood of the existence of contamination arising from previous uses. If any evidence of contamination is found, then remedial works will need to be identified and carried out in full.

HOUSING ENABLING -

25% of the new housing should be in the form of affordable homes equating to 1.5 units. On this occasion a commuted sum would be sort in lieu of on site provision. The amount would be calculated when the internal layout becomes known.

The commuted sum monies would be ring fenced for the provision of affordable housing within the Borough.

In the event of a planning refusal lack of affordable housing contribution should be stated as a reason.

ECONOMIC DEVELOPMENT -

Observations awaited.

Representations

There have been 75 letters of representation have been received, all of which are opposed to the proposal. 58 of these are a photocopied petition, of which 34 responses have been sent from 14 different addresses - members of the same household). This application had to be re-advertised, due to an unforeseen issue with the certificates on the application form. This may partly account for the relatively large number of responses. However I have ensured that my figures (above) and comments (below) do not include any exact duplication of responses from any individual. I can confirm that none of the third party representations received support the proposal. The comments received against the proposal make the following points:-

Principle and policy considerations.

- The site is outside the settlement boundary and therefore contrary to policy;
- The application should be refused in the light of national and local planning policies on sustainability having particular regard to the accessibility of the proposed development to services and employment and limited public transport opportunities;
- People in these units would be entirely dependant upon private cars making this proposal contrary to the Council's stated aims on sustainability and reducing carbon emissions (policies CP1 and CP6);
- This is not a site that the Council is currently consulting on as part of its potential sites for development. So this planning application is premature and should be refused;
- If approved this application will make a mockery of all of the work done so far on the SADMP;
- This would be an unacceptable addition to the 40 houses proposed in the SADMP.

Highways issues.

- Increased traffic flow through the very narrow and congested conservation area increasing the chance of accident and limiting safety;
- Access through the village and along Knapp Lane is very poor;
- The recent closures of Moor Lane and Knapp Road from Borough Post placed huge pressures on Knapp Lane and the village centre for residents and large agricultural vehicles;
- The traffic site lines at Knapp Lane Acre entering Knapp Lane are very poor and potentially dangerous;
- Knapp Lane is wholly unsuitable for heavy traffic;
- Knapp Lane is used by dog walkers and children and there are no pavements;
- There is a blind bend almost immediately after entering Knapp Lane from the village;
- There was only one road out of North Curry for 4 months, it was dangerous and took a long time for children to get to school. More homes would cause more problems;
- The increased traffic is potentially a death trap;
- Daily traffic jams and near accidents occur in Knapp Lane;
- It is very unsafe for pedestrians to walk into and out of the village centre as there are no footpaths;
- 6 large homes means 2 or 3 cars per house with a minimum of 2 movements each day. This would be 30 to 36 movements per day without taking into account visitors and clients/deliveries for the work element;
- The huge flow of agricultural traffic along Knapp Lane is a very real hazard;
- Too much agricultural traffic uses Knapp Lane compared to the past and this would not mix with increased residential traffic;
- There is a substantial pinch point at 2 Knapp Lane;
- Additional housing in Knapp Lane will result in increased traffic through the bottle-neck at the village end of Knapp Lane. To cause any increase in traffic through that junction is simply irresponsible;
- Visibility from Knapp Lane along Queen Square is very poor;
- Proper consideration needs to be given to protect the public right of way;
- The access to the site runs directly across a public footpath with no rights of way.

Affordable housing.

- The proposal is for live/work units and therefore avoids having to provide any social or low cost housing for the village;
- The application was changed at the last minute before consideration of the matter by the Parish Council to include two semi-detached houses that would be allocated as social homes. Sadly, the Parish Council was swayed by these last minute changes.

Visual and amenity issues.

- These types of units are not successful (e.g. those in Dunkeswell) and become an eyesore;
- Unacceptable impact on the rural character of the area contrary to CP8;
- This application will have an impact upon the landscape character area of the North Curry Ridge;
- The proposed development is unsympathetic to its location and would be detrimental to the historic and rural environment of North Curry;
- The site can be seen from Knapp Lane, Windmill Hill, the footpath along the river

Tone, and various public footpaths.

Legal matters.

- The access road to the site is not owned by the applicant and is unregistered land;
- Title deeds for Knapp Lane Acre show that the access road is not owned;
- Although the access lane has an un-registered title, it provides access to Knapp Lane Farmhouse with the access and right of way having existed for over 12 years;
- The recent Parish Council consideration of this matter is flawed because the decision was in contravention of planning advice, the objections were inappropriately considered and it all resulted in an ill informed and *ultra vires* decision;
- All over the country live/work homes are exploiting the planning regulations and contravening planning. Who will take responsibility for monitoring and supervising;
- The rules surrounding live/work units are especially vague.

Other matters raised.

- There has not been an economic needs analysis to demonstrate a demand for workplace homes in North Curry;
- There is national evidence (in Hackney) to suggest that this sort of scheme for developing economic growth is unproven;
- Although the site has been used for commercial purposes in recent years, it is within agricultural land and should be returned to that use;
- If granted, this application could lead to further larger applications in Knapp Lane which would be very undesirable;
- The proposal is being considered in the absence of any economic plan for the village;
- Ensuring compliance of the work element will be unsustainable and therefore incur costs for the Local Authority;
- There are other units currently available for rent in the village;
- The last work/live application granted on Knapp Lane is non-compliant as the occupiers do not work from home.
- There are no gardens so where will the children be expected to play;
- There are no garages so will the occupants be prevented from converting the work unit into a garage;
- There are no outbuildings or sheds shown on the plans so how could anyone work from home;
- No workshops are indicated on the plans;
- There are no outbuildings normally associated with live/work applications;
- This is pure greed as Knapp Lane is unsuitable for this development;
- The proposal has no merit at all;
- The village has flooded 3 times since the turn of the year with most of the flood water running off this site;
- The houses are described as live/work units but other than this description there is nothing to distinguish them from any other proposal for residential development;
- There is no local support for this application.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP4 - TD CORE STRATEGY - HOUSING,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - CP 8 ENVIRONMENT,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,
EN12 - TDBCLP - Landscape Character Areas,
ROW - Rights of Way,

LOCAL FINANCE CONSIDERATIONS

The development of this site would be liable for a financial contribution under the C.I.L. regulations, although the C.I.L. liability would rest with the Reserved Matters Application rather than the Outline Application. This application is submitted in outline with all matters reserved, so no floor plans have been submitted and no indication made of the likely live-work split. C.I.L. would only be charged on the residential element. Also, from this must be taken the amount of floor space of all existing buildings on site, which is estimated at 530 sq. m. This all makes calculation of the C.I.L. liability very difficult at this Outline stage. However, based upon a likely floorspace for a 3 bed property, and discounting the approximate floor space of existing buildings on site, the approximate amount due is estimated to be £12,500.

The development of this site would also result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£ 6,474.00
Somerset County Council (Upper Tier Authority)	£ 1,619.00

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£38,846.00
Somerset County Council (Upper Tier Authority)	£ 9,712.00

DETERMINING ISSUES AND CONSIDERATIONS

Policy considerations - Local Plan Policy

Planning Policy and Government Guidance requires all planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Taunton Deane Core Strategy contains policies for the development of the Borough. The policies are listed above.

The current proposal site lies beyond existing and proposed settlement limits as set out in the adopted Local Plan (2004), Core Strategy (2012) and the emerging 'Site Allocation and Development Management Plan' – [SADMP]. In this regard, it is clear that the proposal is contrary to policy SP1 (Development in the Countryside), DM2 and CP8 (Environment) of the Core Strategy.

The application is made in outline only. It contains no detail as to any existing buildings on site, although there appears to be some basic agricultural style buildings in situ. The proposal though is clearly for new build, and as such, criteria 5 and 7 of policy DM2 (sequential approach to conversion of existing buildings) is not relevant. As there are no detailed layout plans, it is difficult to gauge what is intended, but it would seem from the submitted indicative street-scene that the proposed development would have a distinctly residential feel, because as shown, the work element is not apparent. There is no justification for a residential development (albeit in part) in open countryside. Balanced against the consequences of precedent, it would not make a worthwhile contribution to a 5 year supply argument nor as shown, provide affordable housing (Core Strategy CP4).

As a 'brownfield' site, Core Strategy policy DM2 would allow continued employment use. However it is contended that use of the site in the past as a storage facility for scaffolding would primarily have been a B8 use. It is not clear that this would have generated much employment. In any event, the application does not address why the proposal could not be accommodated on the Council's Preferred Option site at Knapp Lane, which is of sufficient scale to accommodate such a use. This option would also benefit from a single access from Knapp Lane rather than the additional one proposed by the current application.

Live/work units are not covered specifically under the provisions of Policy DM2 of the adopted Core Strategy. The Council does not accept that this means that the policy itself is inconsistent with the Framework given the need to consider such provision and review employment allocations. By the admission of the applicants, this site has only been vacant for a matter of months and it cannot be accepted that at this stage, that there is no reasonable prospect of the site being used for an employment use in the future.

The Framework recognises that live/work units may be appropriate but it does not follow that this is necessarily appropriate for any site/location. Given that the site is beyond established and proposed settlement limits and has not been marketed, it is not considered that the proposal is acceptable, and there is no evidence to suggest that the proposal would meet the presumption in favour of sustainable development.

The proposal is therefore considered to be contrary to adopted policy and should accordingly be refused.

Impact on the street scene and character of the area

This consideration application is largely linked to the previous matter of policy. It is because the site is outside of the settlement boundary and not connected to the village in any way visually that it would unduly affect the character of the area by appearing to be sporadic development in the countryside. There is an argument to

be had that would suggest that the proposal would be replacing existing authorised structures and improving the visual amenity of the area. However, policy DM2 of the adopted Core Strategy which considers new development in the countryside is quite clear that new housing can only be considered acceptable when it is replacing existing dwellings that cannot be brought back into economic use, where it would involve the conversion of existing buildings into community housing, or where it is for an entirely affordable residential scheme for which there are no suitable sites in the settlement boundary. None of these criteria apply to this application. Even then the policy is clear that other uses will be considered first in a sequential manner. So, it is entirely reasonable and consistent with the policy to consider the visual merits of this application on its own merits rather than in the context of the structures that exist on site currently. In this regard, officers are clear that the proposal, however it may be designed (given that this is an outline application with all matters reserved), will have a detrimental impact upon the landscape and the visual amenities of the area.

The Landscape Lead is quite clear that he has an 'in principle' objection to then proposal in terms of its impact upon the landscape, and it is his opinion that this could not be mitigated by landscape screening. This is another indication of the unsustainable nature of the site.

Therefore, it is recommended that Members also refuse this application because of the detrimental impact it would have on the rural character and appearance of the area and its inability to be successfully assimilated into the surrounding countryside, which would make the proposal contrary to policies SP1 (sustainable locations), CP8 (Environment) and DM2d (General Requirements) of the adopted Taunton Deane Core Strategy.

Highway Impact

It will be noted that there is a lot of local concern about the ability of Knapp Lane to take the extra vehicular traffic this proposal would generate. The Highway Authority has considered the impact of this proposal against the traffic generation that does, or could lawfully be generated by the existing use on site and has concluded that the local network and the provisions of this proposal are inadequate to meet the technical standards that would be required by business units proposed and the potentially large commercial vehicles that the units could attract.

From a planning point of view, it is reasonable to accept that a true village would have some traffic difficulties due to the often ancient and inadequate road network that has evolved over the years or centuries. Driving slowly, having to give way and taking particular caution on local village roads is to a certain extent an inevitable consequence of village life. It would not be reasonable to expect technically suitable highways in every instance, as this would 'urbanise' the village character and destroy part of the very essence of village itself. So, Members will need to make a judgement on whether some highway inconvenience may be an acceptable price to pay for development acceptability. On balance, it is considered that there are no justifiable grounds for disputing the conclusions of the Highway Authority in this instance, particularly as the applicant has not included an accurate and technically acceptable 'swept path analysis' for larger vehicles. On this basis, the recommendation is that any refusal should also include the highways reason as given in the consultee comments above.

Ecological impact

No ecological survey has been submitted with the application and so this element is difficult to assess. However the Council's Biodiversity Officer considers that the buildings on site are unlikely to be suitable for wildlife. On this basis, it is recommended that any approval could be granted subject to suitably worded conditions (as referred to in consultee comments above). The lack of any submitted ecological information need not form a reason for refusal.

The planning appeal for development at Overlands

It is not considered that the planning appeal decision in respect of Overlands in North Curry forms any sort of precedent that should have a material bearing on this application. That application was proposing development (of 30 houses) on land which was a preferred site in the SADMP and for which a change to the settlement boundary was proposed to accommodate it. The only reason for refusal given was that of prematurity within the Local Plan process. The Inspector did not share the Council's opinion on prematurity. The current application site is not a preferred option site, indeed it is considered to be too small to justify allocation. The current application site is not within the settlement boundary either as existing or as proposed. Finally, Officers are not arguing refusal of this application on the grounds of prematurity. So there are no similarities between the Overlands appeal decision and the considerations with this current application that would help in determination or set any precedent.

Surface water drainage

Whilst the site lies within the Somerset Levels and Moors, the site itself does not lie within a flood risk area as identified by the Environment Agency. Given that the site has some development upon it currently, the only real cause for concern would be the impact from any additional hard surfacing. Given that the proposal is for more structures, a road and parking/manoeuvring areas, this could be substantial. However, there is no reason to suspect that a suitable 'SUDS' scheme could not be designed. It should be noted that the Drainage Engineers views have not been received at the time of the compilation of this report. It is therefore suggested that if Members are minded to approve this application, the views of the Drainage Engineer should be sought and taken into account first.

Conclusions

It is clear that there is a conflict with Planning Policy because the application site lies outside of the settlement boundary for North Curry. This is a fact that cannot be disputed. The Core Strategy is clearly not silent on residential development outside of settlement boundaries, and although the SADMP is only at preferred options stage, it has been the subject of extensive public participation and will be submitted to the Secretary of State in the late summer/early autumn of this year. It is contended therefore that the SADMP does carry some weight in planning terms.

There are no mitigating circumstances that would justify a breach of the policy.

Linked to this is the inability of the proposal to be successfully assimilated into its rural countryside context and preserve the very character that the policy is designed to protect. Indeed this feeds into the very essence of sustainability, to protect the environment today for the enjoyment of the future generations. The existence of some structures on the site at the moment is not justification in this instance to allow a breach of the policy. The NPPF and Core Strategy policies also require development to integrate and be in keeping with the character of the area. There is therefore also a strong reason for refusing the proposal because of the detrimental impact it would have upon the landscape and countryside location.

Highways issues need to be considered in the context of the rural setting, but there is no doubting the strong local opposition to the proposal in this regard and the technical expertise at the County is minded to agree with this stance.

There are clearly significant policy and technical difficulties with this application that demonstrably outweigh the benefits. Members are therefore recommended to refuse the proposal.

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

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