

30/17/0022

MR C TOWNS

Change of use of agricultural land to part domestic curtilage and part for tourism use with siting of 2 No. shepherd huts and erection of a toilet block on land adjacent to Cherry Tree Barn, Sellicks Green, Pitminster

Location: CHERRY TREE BARN, SELLICKS GREEN, PITMINSTER,
TAUNTON, TA3 7SA

Grid Reference: 321360.119236

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (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:

(A3) DrNo 01 Location Plan
(A3) DrNo 02 Rev A Site Plan
(A3) DrNo 03 Rev B Block Plan
(A4) DrNo 04 Floor Plans and Elevations of Service Hut
(A4) DrNo 05 Railway Hut Elevations
(A4) DrNo 06 Field Fence

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

3. No development shall take place on the exterior of the huts and toilet block until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the

Taunton Deane Core Strategy.

4. (i) Prior to occupation of the huts hereby approved, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, 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 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 does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. The shepherd huts shall be occupied for holiday purposes only.

The shepherd huts shall not be occupied as a person's sole or main residence.

The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual holiday huts on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable time to the Local Planning Authority.

Reason: To prevent permanent occupation that would be contrary to countryside policies as set out in with paragraph 55 of the National Planning Policy Framework.

6. There shall be no external lighting erected or installed without details first being submitted to and approved by the Local Planning Authority.

Reason: To safeguard amenity and the character of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

7. Prior to the use of the holiday huts being brought into use details for the storage of waste and recycling must first be submitted to and approved by the Local Planning Authority and thereafter retained as such.

Reason: In the interest of the amenity of the area.

8. None of the holiday huts shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and

approved in writing by the Local Planning Authority.

Reason: To prevent discharge into nearby water courses in accordance with Policy CP1(C) of the Taunton Deane Core Strategy.

9. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced with a permeable material, before the holiday huts are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Policy A1 of the Site Allocations and Development Management Plan.

10. Should the business use cease the shepherds huts and toilet structure shall be removed from the site.

Reason: In the interests of the character and appearance of the area.

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 negotiated amendments to the application to enable the grant of planning permission.
2. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning 01823 355645. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.

Proposal

The proposal comprises the following: -

- Change of use of land to domestic curtilage.
- Change of use of land to tourism.

- Siting of two shepherd huts for tourism.
- Erection of a toilet block.
- Car parking area.

The shepherd huts have timber cladding and a curved galvanised roof, off the hut there is a lean-to extension, also constructed in timber and with a clear corrugated roof sheeting.

The small toilet block is constructed in timber, has a pitched roof that is covered in felt.

No alterations are proposed to the existing access.

The application has been amended, removing a third hut, and reducing the area for the proposed change of use to tourism to the siting of the huts and their immediate area.

Site Description

The site currently forms agricultural land adjoining a newly built dwelling on the edge of the village of Blagdon Hill outside of its defined settlement. There is an existing access that serves the land and dwelling. The site is screened from the roadside by a high hedge.

Relevant Planning History

30/16/0030 - Erection of detached dwelling and retention of previously approved double garage with first floor annexe at Cherry Tree Barn, Sellicks Green, Pitminster.

Consultation Responses

PITMINSTER PARISH COUNCIL -

- Objects to granting permission.
- Both dwelling and tourism extend beyond the village envelope.
- Negative impact on nearby listed building.
- Poor access and additional traffic.
- Visual amenity impact of the area.
- Impact on the AONB.

SCC - TRANSPORT DEVELOPMENT GROUP -

The proposal is for the change of use of land from agricultural/equestrian to erect 3 holiday lets which will utilise an existing access onto Pitminster Road a classified un-numbered road and at the point of access is subject to a 30 mph speed limit. Due to the location of the site, Manual for Streets is applicable and the Highways Authority are satisfied that a suitable visibility at this location can be achieved and this can subject to a suitable condition.

An existing vehicular access is to be used and there are no proposals to alter it as part of this application. The existing access is currently made of loose stone and will

need to be consolidated for the first 5 metres from the edge of the highway to prevent material being deposited on the road. A fence approximately 1.8 metres high was observed to be located within the visibility splay area in both directions and will need to be repositioned behind the splay, and the hedgerow will also need to be cut back to re-establish the splays either side of the access. In its current condition therefore the access is considered to be substandard.

In terms of traffic impact, the average holiday let typically generates in the region of 2 to 4 vehicle movements per day from each unit, with a worst case of 12 trips per day. Due to the nature of the development these are likely to be spread out throughout the day and, this would not be considered to have a detrimental impact on the surrounding highway network therefore and it would not be considered significant enough to be considered to be severe under Section 4 of the National Planning Policy Framework (NPPF).

Moving to the internal arrangements the applicant is proposing 3 parking spaces, one per hut with associated turning area and this is considered acceptable. It is noted that the proposed access is a shared access and right of way to Cherry Tree Barn, and the arrangement is considered satisfactory for a small scale low key holiday let business, however if any additional lets are to be proposed in future the access is not likely to be suitable and improvements would be required to bring it up to an appropriate standard.

To conclude considering that the development may result in a small increase in vehicle movements it is the Highway Authority's opinion that this is not considered to be material and it would be unreasonable to raise a Highway objection in this particular case. Therefore based on the above the Highway Authority raises no objection and if planning permission were to be granted the following conditions would need to be attached:-

- There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.
- The areas allocated for parking on the submitted block plan, drawing number 03, shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- Before the holiday lets hereby permitted are first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.
- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the first holiday let is occupied and thereafter maintained at all times.
- Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 5 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Standard Note:-

Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning 01823 355645. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.

LANDSCAPE -

Hasn't this development boundary already been extended recently? If permission is granted then the boundary should be defined by a native hedge.

The shepherd huts and toilet block will be screened from the public highway by an existing hedge. However I welcome additional landscaping.

ECONOMIC DEVELOPMENT - None received.

HERITAGE - Whilst there are listed buildings in the area, none are directly associated with this site.

The question is whether this development would impact on the setting. In my view the proposed buildings are mobile and easily removed. Whilst you may see them, they are appropriate for the location in terms of design, so I don't consider that there will be harm as prescribed in Chapter 12 of the National Planning Policy Framework. I am happy for you to determine this accordingly.

Representations Received

Twenty eight letters of objection (including a letter sent from a solicitor on behalf of a resident):-

- Outside of village settlement.
- Increased traffic on roads used by pedestrians and horse riders.
- Highway safety and poor visibility; verges and hedges not maintained; narrow lane.
- Object to a 'caravan park'.
- Noise.
- No real benefit to community; will not support local economy.
- Additional paraphernalia.
- Devalue property.
- Elevated field' proposal visible; impact on landscape.
- Small field does not support application for holiday accommodation.
- Spoil has been brought onto the site.
- Light pollution.
- Whole field could be used for cabins, caravans, pitches if classified as tourism.
- Loss of agricultural land.
- Impact on AONB.

- Site sits in isolation; no footpath links.
- No turning areas near huts to prevent headlights shining.
- Tourism and equestrian use not reversible.
- Collection of waste?
- No need for extra garden area.
- Will the annexe be used for tourism as well?
- Not diversification.
- No disabled facilities.
- Setting of listed building at Goose Hill Farm.
- Pressure/demand of sewerage system.
- Not mobile.
- Against policies SP1 and DM2; Other applications for tourism within Taunton Deane refused based on these two policies.
- Misleading information.
- Against local policy and National Policy Framework.
- Should be assessed against national legislation.
- Insufficient information to assess proposal.

Three letters of representation:-

- Permission for the whole field as whole field outlined in red.
- After three huts and I would not support any further development.
- Some letters of support from people who do not live in the area.

Ten letters of support:-

- Tourism, albeit on a small scale, should be welcomed to the area.
- Enterprising initiative; local businesses important to rural economy; encourages visitors to the area;
- Potential for local employment.
- Set against established hedge and with careful thought to landscaping, should not be a blot on the landscape.
- Village has lost one pub, application may help preserve remaining pubs.
- Growing number of glamping pods found in villages up and down the country.
- Discrete development.
- Two temporary structures will not be detrimental to the area.

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 Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

DM1 - General requirements,
DM2 - Development in the countryside,
CP8 - Environment,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

None.

New Homes Bonus

None.

Determining issues and considerations

Principle

The proposal would be sited next to a previously granted dwelling, though both the site for the shepherd huts and the area of extended domestic curtilage fall outside of the settlement limits of Blagdon Hill. A proposed site that falls outside of the settlement limits is normally considered to be within open countryside where policies would not restrict new development. In this particular case, the site is found close to the settlement, near to other residential properties, is not isolated, and is not considered to be a significant encroachment of built form into the countryside.

Policy DM2 (Development in the Countryside) allows holiday and tourism use, though the policy restricts such uses to conversion of existing buildings that support existing farming and service enterprises, it is not considered that the proposed application should be dismissed based on this policy.

In the absence of the proposed type of tourism use from with policy DM2, it is considered that policy DM1 (General Requirements) should apply in this case, due to: the location of the proposal close to the settlement limit; within easy reach of the Blackdown Hills; supporting local services within Blagdon Hill and Pitminster; and the temporary nature of the huts that can be easily moved and taken off site.

Highways

The Highway Authority have not raised an objection to the proposed huts and the intended use. The proposed huts are small and cannot accommodate large numbers of people at any given time. As such, there is not considered to be a significant increase in vehicle movements that would be detrimental to highway safety.

The site has an existing access that was granted under application 30/13/0028

where the approved visibility splay was granted as 2.4m x 30m, and this did not raise an objection from the highway authority. Application 30/16/0030 also conditioned that there should be no obstruction above 900mm within the previously approved visibility splay. Given the previous permissions granted regarding the access and the limited increase in vehicular movements the suggested visibility splay of 2.4m x 43m is not considered to be required in this case.

Details regarding parking service and surface water will be requested.

Heritage

The proposed huts are sited away from any listed buildings and are partially screened by the existing hedgerow. Furthermore, there is road separating the proposal from the nearest listed building. The Conservation Officer has not objected to the proposal and considers the huts to be appropriately designed for the location and they can be easily removed, Therefore there is not considered to be any harm to the setting of any heritage assets or listed building.

Landscape

Whilst the huts will be partially screened by the existing hedgerow, new hedgerow planting can be achieved along the proposed new garden boundary. As such, a landscaping condition is proposed.

The application is not sited within the Area of Outstanding Beauty (AONB), and given the distance to the AONB, and the backdrop of other residential properties, the small timber huts are not considered to have any harm from views of the AONB.

Amenity

Given the number of huts proposed, and their size, the number of occupants would be low, and as such, the proposal is not considered to generate any significant increase in noise to the area. As the owners of the proposal live next to the site, any complaints regarding noise can be easily and quickly responded to.

A condition will request details of any external lighting prior to installation.

Wildlife

Whilst SERC have identified sites and species within 1km of the application site, the proposal is not considered to cause any harm to wildlife. The garden boundary currently has a boundary fence that will be replaced in a different location, and new hedgerow planting will provide a benefit to wildlife. The shepherd huts are raised off the ground and have a very small footprint, and the siting of the huts does not involve any loss to the hedgerow.

The only identified species recorded at the site was a bat in 2007. As there is no loss to forage, habitat or flight paths, the proposed developed is not considered to harm any bats, if still within the area. Furthermore, a planning condition requires details of

any external lighting prior to installation.

Other matters

A condition will request details of waste storage.

Surface water and foul water discharge details will be requested as a condition.

As mentioned within the proposal, the application site no longer includes the whole field.

The letters of support received are either from residents within Taunton Deane, or from residents who used to reside within the area.

Conclusion

The proposed shepherd huts will provide tourism to the area, helping the local economy. Furthermore, the huts can be accommodated without detrimental harm to visual amenity, highway safety, or the character and appearance of the area. The extended domestic curtilage can be achieved without harm to the visual amenity of the area and will provide the benefit of additional landscaping. The proposals are therefore considered to be acceptable and recommended for approval.

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

Contact Officer: Mr D Addicott