

SRK SCAFFOLDING LTD

**CHANGE OF USE OF LAND FROM HORTICULTURE TO STORAGE OF SCAFFOLDING POLES AND RELATED MATERIALS, ERECTION OF AN OFFICE/WORKSHOP BUILDING AND VARIATION OF CONDITION NO. 8 OF PLANNING APPLICATION 46/93/0004 TO ALLOW OCCUPATION OF AGRICULTURAL WORKERS DWELLING BY PERSONS CONNECTED WITH SCAFFOLDING BUSINESS AT OAKLEE COTTAGE, HAYWARDS LANE, WEST BUCKLAND**

Location: OAKLEE COTTAGE, HAYWARDS ROAD, CHELSTON,  
WELLINGTON, TA21 9PH

Grid Reference: 316054.120075

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

- 1 The proposed change of use to the storage of scaffolding equipment together with an office/training/workshop building is contrary to the provisions of policies SP 1, SP 3, DM 2 and CP 8 of the adopted Taunton Deane Core Strategy because it amounts to development in the countryside which does not fall within any of the specified uses that are allowed. The proposal in this regard cannot be considered to meet the requirements of DM 2.2 because -
  - (a) The proposed site is not adjacent to a rural centre and the nearest centre (Wellington) does not have suitable sites available;
  - (b) The proposal does not seek an extension to an existing business; and
  - (c) Does not utilise existing buildings.The proposal does not therefore fall within the criteria allowed by this policy for development within the countryside, and there are no other material considerations that override planning policy. As such, the proposal would undermine the delivery of existing and proposed employment allocations and would set a serious precedent for other proposals for unwarranted development in the countryside of the Borough.
- 2 The proposal seeks the lifting of an agricultural tie to the dwellinghouse, but makes no evidenced justification as to why the tie is no longer appropriate or viable. As such, the proposal would permit an open market dwelling in the countryside contrary to the provisions of the National Planning Policy Framework and policy DM 2 of the adopted Taunton Deane Core Strategy.
- 3 The submitted supporting documents are insufficient to enable the Local Highway Authority and the Local Planning Authority to make a full assessment of the traffic impact of this proposal. As such, the applicant has not demonstrated that the proposal would not be contrary to policies CP 6 and DM1 (b) 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 entered into pre-application discussions 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.

## PROPOSAL

This application seeks planning permission in three parts:-

- 1) A change of use of the land from an established horticultural business to a use for the storage of scaffolding equipment and related materials;
- 2) The erection of a new 'L' shaped office and workshop building with a footprint of 492 sq. metres (although the plans show two levels of internal accommodation so the total new floor area is likely to be much more than this). The building is shown with a roof ridge height of 6.5 metres. The building is shown located in the eastern part of the site. The submitted drawings indicate a brick and metal cladded structure, although exact materials (type and colour) have not been defined;
- 3) A variation of condition 8 of planning consent no. 46/93/0004 to allow occupation of Oaklee cottage by persons connected with the adjoining scaffolding business. The property currently has an agricultural tie (condition 8)

## SITE DESCRIPTION AND HISTORY

The site is located towards the end of Haywards Lane which is an unclassified cul-de-sac that is now cut off by junction 26 of the motorway. Although this site is located quite close the motorway junction, there is no direct access to it. To the north of this site and Haywards Lane lies the Foxmoor Business Park. There used to be direct vehicular access from/to the business park off Haywards Lane, but this was deemed an unsuitable access for heavy goods vehicles primarily because of the width of Haywards Lane and because part of the carriageway utilised a bridge (Haywards Bridge) which is not suitable for HGV's. Access to Foxmoor is now obtained via a purpose built road off the A38. The application site is approximately 1.5 kilometres away (by road) from the nearest point of the designated settlement boundary for Wellington. The application site lies approximately 1 kilometre away by road from the entrance to the new business park at Westpark.

### Relevant planning history

46/90/0026 - Siting of mobile home to serve proposed horticultural unit -  
Temporary approval granted 21.11.1990.

46/93/0003 - Erection of polytunnel, shed, retention of mobile home and retention of mobile office unit - Conditional approval 11.03.1993.

46/93/0004 - Erection of dwelling to be used in connection with adjoining nursery - Conditional approval 11.03.1993.

46/95/0003 - Retention of mobile home - Temporary approval 04.04.1995.

46/96/0004/RM - Reserved Matters for the erection of a dwelling to be used in connection with the adjoining nursery - Approved 01.04.1996.

46/96/0026 - erection of storage building and polytunnel - Conditional approval 23.12.1996.

46/04/0015 - Erection of glasshouse, relocation of polyhouses and retention of workshop/canteen facility and container storage facilities - Conditional approval 05.07.2004.

46/12/0011 - Change of use of land to site temporary agricultural workers mobile home (on part of the site not subject to this application, following subdivision of the site - Temporary approval 11.06.2012.

There have been other planning applications purely for polytunnels, but it is not considered that these would directly affect the current proposal.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

#### *WEST BUCKLAND PARISH COUNCIL -*

The Parish Council has no objections to the change of use of the land or the variation to the planning condition, but they are concerned about the access from Haywards Lane onto the A38.

#### *SCC - TRANSPORT DEVELOPMENT GROUP -*

Haywards Lane is a cul-de-sac, very quiet and rural in character, few properties and businesses currently derive access from it, although this has not always been the case. It is known that the lane can accommodate more traffic than it currently does and the junction arrangement with the A38 is also relatively capacious. The lane itself is not very wide; although cars can pass slowly when larger goods vehicles use the lane reversing can be necessary. There is no provision for pedestrians, not even a verge to step onto for much of the length of the lane. The Local Highway Authority (LHA) is concerned regarding the distance from places where workers could live or access goods and services during their working day. The site is sufficiently remote and the lane unfriendly for pedestrians and cyclists such that workers, clients and those that might dwell in Oaklee Cottage will undoubtedly be mostly reliant upon the private car. This is contrary to policies of the local plan and

out of tune with the broad principles of sustainable development as it is not very accessible. The LHA would certainly not wish to see a return to the previous levels of traffic using the lane.

More information is required with regard to traffic generation – for instance how often will training take place in the building and how many students or employees are expected to attend for how long and by which modes of transport? Will the proposed parking arrangements be sufficient for this? A Transport Assessment which takes into account the proposed growth of the business is required. A Measures Only Travel Statement may also be required in accordance with the County Council's 'Travel Planning Guidance November 2011' There should be information on a range of transport modes, not just cars and goods vehicles but also for those arriving on foot, by bicycle or motorbike and suitable secure changing and parking arrangements.

I would recommend that this application be refused on highway grounds for the following reason:-

- The submitted supporting documents are insufficient to enable the Local Planning Authority to make a full assessment of the traffic impact of this proposal.

Further transport/highways information has been submitted by the applicant and the County are currently assessing this. Members will be updated on whether this new information sufficiently alters the situation to enable the Highway Authority to withdraw their objection.

#### *DRAINAGE ENGINEER -*

I note that surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365 (Sept 1991) and made a condition of any approval.

Regarding foul drainage - I note that a septic tank is to be installed for treatment purposes. Percolation tests should be carried out to ascertain the required lengths of sub-surface irrigation drainage and these should be carried out before any works commence on site. The Environment Agency's consent to discharge to an underground strata is also required and they should be consulted for their observations/comments.

#### *DIVERSIONS ORDER OFFICER -*

Public footpath WG14/18 runs through the proposed development. However, the path is now effectively a cul-de-sac, having been truncated by the motorway and not properly re-routed at that time. There is therefore little point in diverting the path and the County Rights of Way Officer is in agreement with this. There is therefore no comment on the proposal.

#### *PLANNING POLICY -*

The application is for the change of use and development of 1.18 hectares of

nursery land near Junction 26 of the M5 (Wellington) and includes a new office/workshop building of 492 sq. m. The proposal lies outside of defined settlement limits in the adopted Core Strategy (2012).

Policy SP1 of the Core Strategy states that outside of defined settlement limits, proposals will be treated as being within open countryside. As such, proposals will be considered against policy DM2 of the Core Strategy. For an employment proposal, policy DM2.2 and associated criteria applies.

Criterion a. requires a location adjacent to a rural centre (Wellington) and provided no suitable sites are available. The site is in excess of 1km from the nearest part of the settlement limit of Wellington. The application fails this criterion. Availability of sites is discussed below;

Criterion b. The application does not constitute proposed extension to the existing business. It is a change of use and development for a new activity. The application fails this criterion;

Criterion c. The proposal is not within existing buildings. The application fails this criterion.

Policy DM2 also requires that even if these criteria are met the proposal must be of a scale compatible with the rural area. With a proposed eaves height of 6.5 metres, landscape consideration should be given to this aspect.

Planning law requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise (NPPF paragraph 11). Are there overriding material planning considerations which override policy DM2? Is the Core Strategy is up to date? Yes, the Plan was adopted in 2012 (under 2 years ago); Has the Development Plan met objectively assessed need? The Plans evidence base identifies a requirement for 36.5 hectares of Class B (non office) land over the period 2006-2028. The annual employment monitor identifies 83 hectares of land completed, allocated in a statutory development plan or with planning permission but not built at April 2014; Is other land available? At April 2014, over 39 hectares of land has planning permission and is available for development in the Deane. This includes land at Wellington (over 14 ha). See criterion a. above. Planning policy does not maintain records of employment buildings (with or without associated land) that are currently vacant/available; Is the land suitable? A site of 1 hectare is sought. There are numerous sites within the Deane capable of accommodating a 1 hectare employment development. The sites listed in the agents supporting statement are not a complete statement of available land and some reasons for discounting opportunities, e.g. cost of land, are commercial rather than planning considerations.

Site Allocations and Development Management Plan. This plan has undergone two extensive rounds of consultation with the public, developers, agents etc. No comments were received at any stage proposing this land for employment. Moreover, no comments were received stating that the overall quantum of employment land was inadequate. If this was an issue the Council has provided ample opportunity for this to be raised.

In light of the above there are no grounds for the Council to accept that the proposal is consistent with or that other material considerations should override planning policy. If such a course of action was to proceed, decision takers should be in no doubt that a number of consequences may well occur:

Precedent: With an up to date plan and evidenced needs met, allowing this application will undermine protection of the rural environment and future application of policy DM2. A precedent will have been set and used against the Council. This may equally be applied for other uses such as residential development in rural areas outside of settlements (e.g. 'existing sites do not fulfil personal requirements for location or budget');

Allocated sites: Existing investors may question the Council's commitment to existing employment commitments/allocations which may be reflected by future investment decisions and delivery of these sites;

Alternative uses: If supply exceeds demand, sites may not get developed and they may be land-banked. Pressure could mount for alternative, more financially beneficial uses such as residential in otherwise less sustainable locations. Paragraph 22 of the NPPF states "where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits".

From a policy perspective I would also suggest that a further two points should be satisfactorily addressed:

Firstly, the supporting statement acknowledges that the permitted use (plant nursery) is a greenfield operation (paragraph 5.7) and the occupancy condition is thus presumably attached for this reason. I can see no evidenced justification as to why this use is no longer appropriate or viable and should be replaced by a proposal not consistent with adopted policy.

Secondly, the application details show a significant increase in parking requirements from the existing nursery use. Access is via Haywards Lane which historically had been considered substandard for intensification of activity at nearby Foxmoor. Likewise parts of Haywards Lane lies within flood zone 3 which could restrict access at certain times. Presumably the Highway Authority and Environment Agency will respond on these issues.

In conclusion, the proposal is contrary to policies SP1 and DM2 of the adopted Core Strategy. The Plan and evidence base is up to date. Government policy requires a Plan led approach. There is no justification to override planning policy and to do so could set a dangerous precedent for future proposals for employment, residential and other uses in the countryside that could undermine the development plan strategy.

## *ECONOMIC DEVELOPMENT -*

SRK is a long-established local employer, based at Durston, and employing around 50 local people in the provision of scaffolding services to the construction industry. Following recent consecutive years of growth the business has outgrown its existing premises and therefore requires new accommodation in the vicinity of Taunton and Wellington.

The business requires mainly outdoor storage in a secure and accessible site. The owner recognises that the nature of the operation makes it an unattractive neighbour, operating at unsociable hours. These issues have significantly limited the suitability of existing employment sites in the search area, including the established business parks in Chelston. Greenslade Taylor Hunt has carried out a comprehensive search of potential sites on behalf of SRK to accommodate the

expansion, and their study accompanies the application as part of the Planning Statement. That search concludes that there are no available sites that presently meet the requirements of the business. Having carried out research myself amongst local commercial property agents I would agree with the GTH conclusion.

If the business is able to relocate to the Oaklee Cottage site it will sustain the current level of jobs and create around 20 additional opportunities over the next few years. The owner invests heavily in apprenticeships to create opportunities for entrants to the scaffolding profession, which will create opportunities for Wellington residents.

I am therefore fully supportive of the application.

## **Representations**

8 letters of SUPPORT raising the following issues:

- Good to hear of a new business in the area with the possibility of jobs for local people and extra revenue for Wellington.
- We have been neighbours of SRK at their current address in Durston for 13 years and they have been great.
- Great for local business especially employment in the local area as Wellington has not got much to offer apart from charity and coffee shops!
- The application is welcomed as over the last 5 years or so this land has been neglected and has become an eyesore
- Having the empty house lived in again would be a wonderful thing.
- I cannot see any reason why they could not run a successful and tidy business from this land.
- SRK employ a large number of local people and want to stay in the local area whilst being able to progress their business.
- I am familiar with the site and location and think it is entirely suitable for the intended use.
- I agree fully with the report conclusions (para.'s 14.1 – 14.6).
- The area needs successful businesses and the opportunity to provide additional employment to local residents.
- It is unfortunate that a large professional company deems it necessary to object to the application for fear of undermining the viability of their own project.
- Within the Borough there are a number of narrow access roads to industrial estates.
- The lane cannot be used by pedestrians and cyclists to move between Wellington and West Buckland as the road has been blocked for some time.
- If there is demand for rented glasshouse space why has the property remained for sale for a number of years?
- The application proposes to re-use a brownfield site, supporting a local business to expand and there is a lack of availability of alternative sites. These reasons may be sufficient to overcome an in principle policy concern. Officers and Members will need to determine whether this is the case or not.
- Suitable alternative sites may not exist and we would not wish to see a local business hampered from continuing to flourish.

4 letters of OBJECTION raising the following issues:

- Policy CP2: (Economy) of the adopted Core Strategy advises that over the plan period (2011- 2028) the Council will seek to meet the forecast growth of around 11,900 additional jobs by allocating around 36.5 hectares of land for B1, B2 and B8 uses. These allocations will be focussed primarily within the urban area of Taunton but with complementary allocations at Wellington.
- The Council's policy SP3 highlights that the bulk of new employment growth outside of the urban area of Taunton will be principally within the large sites allocated and permitted at Chelston. The same policy allocates an 8.67ha site at Chelston.
- A new business park (known as Westpark) is currently being developed within the proposed allocation area, granted outline consent 2007, with a significant proportion of this now being operational.
- The Council recently granted a further outline consent for an extension to Westpark for an additional 11,134 m. sq. of B1(c), B2 and B8 uses. The same site also formed part of the larger former Local Plan employment allocation (W4) which was subsequently saved by the Secretary of State.
- It is quite clear that the Council's employment land strategy has been to focus new employment development in and around the Chelston area of Wellington. This commitment has been reflected in the location of previous employment land allocations and the Council's granting of relevant permissions within this key employment area. Accordingly there is no logical reason why the Council would wish to grant consent for the current application which would undermine the approach taken to date.
- This application would have implications for the operator at Westpark given the level of infrastructure that they have funded in order to achieve its delivery thus far. The Westpark site provides employment units and forms part of the strategic expansion encouraged and supported by the Council. This up-front investment should not be jeopardised by development that is clearly contrary to adopted policy.
- The proposed change of use is not in accordance with the Council's adopted development strategy (SP4: Realising the vision for Rural Areas) nor is it in accordance with DM2 (Development in the Countryside) which allows only for small scale opportunities for employment growth related to tourism and rural diversification. It is therefore clear that uses which are more akin to agriculture/rural diversification should be explored and exhausted long before a B8 permission is considered by the Council.
- The Sellick's Nurseries site is located well away from the built up areas of Wellington. The site is remote and is not located in an area where the Council has previously expressed a desire to see further development occur. The site is considered to be located within the open countryside and its current lawful use for horticulture is in keeping with the surrounding land uses. Consideration of all development proposals should be in accordance with Policy DM2 (Development in the Countryside).
- In practical terms there is little justification provided as to why the proposal to remove an agricultural tying condition on Oaklee Cottage for security reasons. There is no reported problems of crime at their existing location or no justification as to why a 24 hour on site presence is required. We consider that the driver for the removal of the condition is one of convenience rather than genuine need. The fact that an agricultural related tie is currently in place highlights that the cottage was only allowed to be erected originally, contrary to policy, as a necessity for that business/use.



- Whilst the applicant has considered alternative sites, the documentary evidence provided as part of the appendix to the planning statement only details enquiries made during the course of 2014. Whilst paragraph 4.2 notes that the search has been ongoing for a period of 10 years, it is considered that there is little evidence of this being the case. We are also unsure of how suitable many of the sites listed at paragraph 4.3 are when compared to the requirements of the business as detailed at paragraph 4.1.
- We fully supports the case officer's pre-application advice (as documented in the planning statement) that the proposal does not meet the requirements of Policy DM2 (Development in the Countryside).
- The Planning Committee agreed in December 2011 that Haywards Lane was not suitable for access to the Foxmoor Business Park. Parts of it are unsuitable for HGV's.
- Since the new access road to Foxmoor has become operational the hedgerows on Haywards Lane have recovered and litter has been significantly reduced. This is true testimony to the amount of damage HGV's and traffic can cause to the countryside and thus wildlife.
- There is no public transport available to the site so there will be a large increase in car usage which is contrary to Council policy.
- The site is in a rural area and a Special Landscape Area and so should remain in agricultural/horticultural use.
- There is still a demand for rented glasshouse space for which this site is totally appropriate.
- Various large business parks are being developed in Wellington and so these must be more suitable.
- If planning permission were to be granted for this venture it would be difficult to prevent the whole site becoming yet another business park.
- The road is a narrow lane where vehicles have difficulty passing and it is used by pedestrians and cyclists travelling between Wellington and West Buckland.
- There is a sharp 90 degree corner at the top of the lane where lorries often get in great difficulty.
- Industrial use of Haywards Lane as proposed would be totally unacceptable.
- The house has an agricultural tie on it and this should not be lifted without good reason. This application is not good reason.
- The proposed development would be outside the current town development area.
- Haywards Lane is very narrow with only single vehicle access in stages.
- The Borough Council's policy on the vision for Wellington (Policy SP3) suggests that the focus for new employment growth outside of Taunton will be principally on large sites allocated and permitted at Chelston. We strongly support this and will continue to do so. As such the proposal is clearly in direct conflict with this wider policy strategy.

## **PLANNING POLICIES**

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
 SP3 - TD CORE STRATEGY REALISING THE VISION FOR WELLINGTON,  
 DM2 - TD CORE STRATEGY - DEV,  
 CP8 - CP 8 ENVIRONMENT,  
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

## **LOCAL FINANCE CONSIDERATIONS**

The proposed use of the site for B8 storage and for the new office/workshop facility will not be C.I.L. liable. It is also considered that the removal of the agricultural tie on the dwelling, effectively allowing residential use on the open market, would not be liable for C.I.L. as no new floorspace is effectively being created. For similar reasons, the proposal for this site would not result in payment to the Council of the New Homes Bonus.

## **DETERMINING ISSUES AND CONSIDERATIONS**

### Planning Policy

It is clear that the primary and over-riding consideration on this application is one of planning policy. It will be noted (from above) that the Planning Policy Lead is categorically and unequivocally of the opinion that this proposal is in every respect contrary to the Council's adopted policy on the location of business and storage uses within the countryside. This view is actually supported by some of the third party representations received.

The site is approximately 1.5 kilometres away (by road) from the nearest point of the designated settlement boundary for Wellington and so cannot be construed as being within the settlement boundary. Policy SP1 of the adopted Core Strategy makes quite clear that outside of the settlement boundaries, proposals will be treated as being within open countryside. In open countryside, policy DM 2 applies. This establishes a strict hierarchy for development and a sequential approach for the re-use of buildings and land. Although business uses are looked upon quite favourably in this hierarchical list, policy DM 2 makes clear that it will only support -

- (a) new small scale buildings up to 500 sq. metres near a public road and adjacent to a rural centre within which there is no suitable site available.
- (b) extensions to existing businesses etc.
- (c) proposals within existing buildings.

This proposal fails the tests of this policy because it is not adjacent to a rural centre (or indeed any centre) and there clearly are suitable sites available within Wellington. According to the 2014 'Register of Employment Land' as published by the Borough Council, there is 25 hectares of committed industrial land in Wellington, with committed in this sense meaning either having been allocated or with planning permission. So clearly other land would be available. Criterion (b) is not applicable because it is proposed to relocate the business to this site. In terms of (c), there are no buildings on this site capable of re-use for the storage/training and warehousing use proposed.

The proposal is clearly therefore contrary to policy DM 2 and there are no justifiable circumstances for approving a breach of the policy. This was made perfectly clear to the applicant as part of a pre-application enquiry earlier this year.

The Borough Council's policy on the vision for Wellington is contained within Policy SP3. This policy maintains that the focus for new employment growth outside of

Taunton will be principally on large sites allocated and permitted at Chelston. As such the proposal is clearly in direct conflict with this wider policy strategy (SP3).

The evidence base for the Core Strategy establishes provision for a projected requirement of 36.5 hectares of (non-office) employment land within the Borough over the period 2006 - 2028. The current SADMP research shows that there is currently (2013/14) 83.12 hectares of industrial and other employment land which is either committed or with planning permission for implementation. So there is already a large over provision of employment land. If this proposal were to be allowed then it would clearly mean that other, more sustainable sites would not come forward. This is not good planning as the whole point of the plan led system in this regard is to ensure available, suitable and sustainable sites come forward in a planned way in order to give the market both availability and certainty.

The proposal to use the agriculturally tied building as a home to ensure 24 hour security for the scaffolding business also falls foul of policy DM 2. Firstly, the dwelling was only allowed by the Council in the first place because a functional agricultural need was established. It is clear that there are no other circumstances in which the Council would have allowed this dwelling to be built. It is known that there is current demand for an agriculturally tied unit in the area, because the former owner of Oaklee Cottage is currently looking for one having lost ownership of the property in a divorce settlement. He is currently living in a mobile home at the site which was granted permission by the Council (under reference 46/12/0011) whilst he tries to prove the functional need for an agricultural workers dwelling on the part of the land he now occupies. In any event, Policy DM2 is quite clear that it will not allow new general residential uses within the Countryside and so any proposal to lift the restriction, without verifiable evidence of a proper commercial marketing of the property for an agricultural worker, will be contrary to the aims of the policy. No evidence has been submitted to show that the horticultural unit is not a viable use. It is suggested that Members would be undermining adopted policy if they rescinded the agricultural tie on the house by allowing it to become an 'open-market' dwelling in the countryside, without any necessary evidence that the horticultural unit is no longer viable. Given that Sellick's Nurseries is still trading from Haywards Lane it is contended that a horticultural unit is viable in this location.

On every account, this proposal is considered to be contrary to the adopted policy and given the distance of this site from the markets it will be servicing, it cannot be seen as a sustainable location. The proposal does not accord with the local development plan and must therefore be seen as being contrary to the policy guidance within the National Planning Policy Framework. The proposal is also contrary to policies SP1, SP3 and DM2 of the adopted Core Strategy.

### Precedent

Given that this proposal has been demonstrated to be contrary to adopted policy within the Core Strategy and that there are no mitigating circumstances that would indicate there to be any individual justification for a breach of the policy, approval of this application would set a serious precedent for all kinds of inappropriate developments to be proposed outside of the settlement limits within the countryside. Given the sensitive nature and high quality of much of the Borough's countryside areas, this is not felt to be an acceptable risk. Any reason for refusal should

therefore make reference to the danger of setting a precedent for other breaches of planning policy.

The applicant has argued that a precedent has already been set when the Council allowed a veterinary hospital including an equine paddock on land to the south of Taunton Road, Wellington (LPA ref:- 43/11/0098, approved 17 January 2012). However, it is not considered that the two cases are similar or that a precedent has been set. In the case of the veterinary hospital, the permission allowed an existing business and significant employer in Wellington to relocate to premises that allowed it to continue to develop further. The Vets employed 32 members of staff and they were anticipating expanding to 39 with the move. The approval allowed the existing employment to be retained within the town. This would not have been physically possible within the town centre as there is virtually no land available where one could provide a paddock within the settlement boundary. There are, therefore, clear economic benefits from that proposed relocation and this was considered to outweigh the harm that may have resulted to the green wedge. In location terms, the proposed site was immediately adjacent to the settlement limit of Wellington, being well related to the town, sitting between the main residential area of Wellington and the Chelston business parks. The site was served by existing bus stops and is adjacent to a main road, one of the requirements under policy DM2.2. The scaffolding business the subject of this application currently operate from Durston north of Taunton. The site they seek is 1.5 kilometres away from the nearest point of the settlement boundary. The site is not near the primary road network it will have to rely upon. This is not a business local to Wellington that needs to expand. Finally, the case has not been made as to why or how the economic benefit of the location at the nursery site should outweigh the obvious harm to the objectives of the relevant policy.

### Highways Issues

There is clearly some local concern about use of Haywards Lane by HGV's and these are expressed in the representations received. This has already been recognised by the Council in respect of the former access off Haywards Lane to the Foxmoor Business Park. Following lengthy negotiations, this has now been closed and a new access provided onto the A38. The Parish Council also share concerns about use of the lane by commercial vehicles. It is also noted from their consultation response that the Highway Authority at Somerset County Council have some concerns, which may or may not be mitigated with the submission of the appropriate evidential information required. Therefore as submitted, there are no grounds for accepting this application on highways issues, and a suitable reason for refusal has been drafted by the Highway Authority to cover this position. Further transportation information has been submitted by the applicant in an attempt to overcome the highways objection. The Highways Authority is currently assessing this and there subsequent views will be reported to Members at their meeting.

### The Business case

The business presently operates out of a yard at Durston on the A361 to the north-west of Taunton. The applicant makes the case that this yard is now unsuitable for their business needs and that the business needs to relocate. Since

pre-application discussions with the Planning Department in February of this year, the applicant has commissioned the commercial division of Greenslade Taylor Hunt to undertake a search of the area for suitable premises that might currently be available. None were found, according to the Agents. The Council's Economic Development Manager agrees with this situation. The applicant maintains that a search for alternative premises has been on-going for a period of over ten years, although no evidence of this was submitted with the application.

The Development Plan's evidence base does not corroborate the views of the applicant in this regard. The Plan identifies a requirement for 36.5 hectares of Class B (non office) land over the period 2006-2028. The annual employment monitor identifies 83 hectares of land completed, allocated in a statutory development plan or with planning permission but not built at April 2014. At April 2014, over 39 hectares of land had planning permission and was available for development in the Deane, including 14 hectares in Wellington. In fact there is a total of 25 hectares of 'committed' land in Wellington (April 2014), committed meaning having either planning permission or an allocation. There are numerous sites within the Deane capable of accommodating a 1 hectare employment development as now sought. It should be borne in mind that some of the reasons for discounting land opportunities that the applicant and his agent may have used, such as cost of land, are commercial decisions rather than planning considerations.

The Site Allocations and Development Management Plan has undergone two extensive rounds of consultation with the public, developers, agents and other interested parties. No comments were received at any stage proposing the Haywards Lane horticultural site for an employment use. Moreover, no comments were received stating that the overall quantum of employment land suggested in the Plan was inadequate. If this was an issue, then the Council has provided ample opportunity for this to be raised. On this basis, it is contended that there are no grounds for the Council to accept that the proposal is consistent with the Plan or that other material considerations should override adopted planning policy.

The economic argument being proffered that this applicant cannot afford any of the planned provision, cannot be taken as a reasonable basis for breaching the adopted policies of a plan led system. If the Council allows people to take up cheaper alternatives for any form of development, then this argument could repeatedly be used against the Council to obtain permission for all sorts of otherwise unacceptable proposals on the basis that the proper provision or allocation cannot be afforded. Such a scenario would run counter to the very ethos of a plan led system. Whilst sympathising with the applicant's plight, it is clear that economic considerations should not be a basis for making a planning decision. In any event, it is noted that no factual economic details have been submitted about the viability or profit margins of this company such as would indicate that they should be allowed to operate outside of normal market forces and the established plan led system.

### Flooding issues

The site is not within a flood risk zone as defined by the Environment Agency. The applicant makes the point that the site is designated as being within Flood Risk Zone 1 where there is not considered to be any significant risk from tidal or fluvial flooding. However, Haywards Lane crosses Haywards Water to the north west of Foxmoor

and is bridged at this point. This stream has its own flood zone which is recognised by the Environment Agency as being Flood Risk Zone 3 - the highest category of flood risk. The road did flood last winter and the road became impassable (to cars at least) cutting off Sellicks Nurseries from the highway network at that time. However, it cannot be construed from this that HGV's or larger 4 wheeled drive vehicles might not have been able to pass through the flood, and given the exceptional weather conditions prevailing last winter, it is not felt appropriate to place a flooding reason as part of the refusal.

### Landscaping

The site is relatively well landscaped on its boundaries, but it has not yet been established whether or not this would be sufficient to screen the proposed uses and buildings from the surrounding countryside, especially the new 6.5 metre high (to ridge) office, training and workshop building. The Planning Officer is of the opinion that a suitable landscaping scheme could be achieved to screen the site, but given the application's failure on the fundamental issues of policy, this has not been negotiated. There should not therefore be a landscaping reason for refusal.

### Conclusions

The application is fundamentally flawed in as much as it does not meet or address the primary planning policy issues of the adopted Taunton Deane Core Strategy. Given that the site is not a sustainable location in terms of its remoteness from Wellington and the poor quality of Haywards Lane as the only access point, the proposal is also contrary to guidance within the National Planning Policy Framework. The highways issues have not been satisfactorily addressed to the satisfaction of the Highway Authority (subject to any updated views) and they are recommending refusal on highways grounds. The proposal is therefore recommended for refusal accordingly.

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

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