

10/11/0049

MR C PHILLIPS

**ERECTION OF A PERMANENT AGRICULTURAL WORKERS DWELLING AT
TIMBERLANDS, BISCOMBE, CHURCHSTANTON**

Grid Reference: 317625.113271

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal is considered not to harm the landscape character of the Area of Outstanding Natural Beauty and would harm neither visual nor residential amenity. The building is proposed for an agricultural worker as an exception to normal policy and accordingly the proposal does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements) and EN10 (Areas of Outstanding Natural Beauty).

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within one year of the date of this permission.

Reason: To ensure the need for an agriculture worker is provided on site and 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:

(A1) DrNo 200-01 Rev A Location and Site Plans
(A1) DrNo 200-02 Rev A Site Survey
(A1) DrNo 200-03 Rev A Plans & Elevations
(A1) DrNo 200-04 Rev A Block Plan

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

3. The occupation of the **dwelling** shall be limited to a person solely or mainly working, or last working in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason: The site lies in area where new development is generally restricted

to that for which there is a proven need in accordance with Policy H13 of Taunton Deane Local Plan and Guidance in PPS7

4. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

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

5. The dwelling shall not be occupied until the sewage disposal works have been agreed and completed in accordance with the details to be submitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent harmful discharge into nearby water courses in accordance with Policy EN26 of the Taunton Deane Local Plan.

6.
 - (i) Before any part of the permitted development is commenced, 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 makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

7. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 1 Class A (**Extensions and Part 2 Class A (Boundary treatment)**) of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To protect the character of the area and limit the size of the dwelling

in accordance with Policy S1(D) of the Taunton Deane Local Plan.

Notes for compliance

PROPOSAL

The proposal is the erection of a small agricultural worker's cottage on land at Biscombe to serve an existing stock business breeding pedigree cattle. The dwelling is two storey and rendered with a slate roof and with adequate on site parking. The business operates from a holding of 15ha of which 4ha are owned.

SITE DESCRIPTION AND HISTORY

The site consists of a triangle of land set off the road and used by the applicant in connection with his business. To the east of the red line site lies a pole barn which is unauthorised and is due to be removed to allow construction of the dwelling. On land to the east of the site lie the applicant's other farm buildings, including a stock building and the mobile home granted permission on a temporary basis in November 2008 (ref. 10/08/0028).

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

CHURCHSTANTON PARISH COUNCIL - The Council objects to the granting of permission for the following reasons;

- overdevelopment in a small area;
- questions exist about its economic viability with the outcome being a new build in the AONB in a rural setting;
- development in the countryside which conflicts with current policies;
- visual impact;
- felling of trees;
- movement of gateways to accommodate the development
- questions exist about ownership of the plot and whether any development can be allowed

SCC - TRANSPORT DEVELOPMENT GROUP - The proposed development site lies outside any development boundary limits and is therefore distant from adequate services and facilities, such as, education, health, retail and leisure. As a consequence, occupiers of the new development are likely to be dependant upon private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National

Park Joint Structure Plan review (Adopted April 2000), and Policy S7 of the Taunton Deane Local Plan, and would normally receive a recommendation of refusal from the Highway Authority as a result.

However, it is noted that the application is for an agricultural workers dwelling and therefore it must be a matter for the Local Planning Authority to decide whether there is sufficient need or justification for such a development at this location, which outweighs the transport policies that seek to reduce reliance on the private car.

In terms of detail, the existing access into the site provides adequate visibility. The proposal includes the provision of two parking spaces, which accord to the current County Council Parking strategy. As a result, I raise no objections to this proposal.

BLACKDOWN HILLS AONB SERVICE - The Blackdown Hills Area of Outstanding Natural Beauty is primarily a pastoral landscape that has retained a sense of remoteness. Consequently the AONB Partnership believes that the introduction of new buildings and associated development in isolated locations requires very careful consideration as to necessity and potential landscape impact. As a matter of principle it should be for the local planning authority to satisfy itself whether there is a genuine agricultural need, however taking a broader view, the AONB Partnership does have some concerns about the number of cases of relatively small parcels of farm land being sold or leased, and subsequent applications for agricultural workers accommodation. Indeed in this particular case in relation to seeking to establish a permanent dwelling, looking to the future I question the feasibility of maintaining a viable farm holding with just 4 hectares of owned land, which is seemingly landlocked.

If the local planning authority is minded to approve the application on agricultural grounds, the existing northern (rear) boundary is a crucial factor in terms of the proposal fitting into the landscape, and it is therefore unfortunate that the proposed siting of the house would result in such a loss of trees/mature hedge line. The proposed design of the dwelling on the whole reflects the local vernacular of the Blackdown Hills except for the chimney - external chimney stacks are not typical of the area. This feature would be very dominant approaching the site from the west. The formation of a domestic curtilage should also reflect the local tradition and be appropriate to a rural environment, particularly in respect of boundary treatment.

LANDSCAPE LEAD - My main concerns are the arboricultural report recommends the dwelling be moved 2m further south for root protection reasons. I agree with this given the importance of the hedgerow oak. I recommend tree and shrub planting to the west of the house to soften its impact looking from the west to the east.

Representations

4 letters of objection raising issues of

- land ownership as does not own land concerned
- the applicant does not work full time on the holding and does not need to be within site and sound of the animals

- there have been properties in the area for sale since 2008 which could have been purchased and two are still available
- there is claimed to be a private right of way across the property
- the trees and hedge are not owned by the applicant
- construction will damage tree roots
- discharge from treatment plant may impact on watercourse
- the dwelling will not be within sight and sound of grazing land
- the stock level is 25% below target of the 2008 appraisal
- the applicant does forestry work and is not full time involved with agriculture
- the applicant is often away from the holding so does not have a functional need to live there
- the applicant did not live within site and sound from 2000 to 2008
- the hay barn does not have permission

PLANNING POLICIES

PPS7 - Sustainable Development in Rural Areas,
 STR1 - Sustainable Development,
 STR6 - Development Outside Towns, Rural Centres and Villages,
 S&ENPP3 - S&ENP - Areas of Outstanding Natural Beauty,
 S&ENPP49 - S&ENP - Transport Requirements of New Development,
 S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 S7 - TDBCLP - Outside Settlement,
 EN10 - TDBCLP - Areas of Outstanding Natural Beauty,
 EN12 - TDBCLP - Landscape Character Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations with the proposal are the need and viability of the business and the siting and visual impact of the new dwelling to serve the site.

The applicant has run a livestock business in the area for a number of years and previously resided in an agricultural worker's property around 180m to the west which he had to vacate and is prevented from returning to. The applicant applied for a temporary mobile home in 2008 when it was recognised there was a functional need. The submitted agricultural appraisal recognises that there is a labour requirement equivalent to a full time worker. The submitted information with the current application also indicates the farm business has been profitable over the last 3 years and so is considered to be a viable one.

It is recognised that there have been properties for sale in the area and currently still are within a mile of the site, however the applicant's agent has looked at these and confirmed that none are affordable for the business or in a suitable location close to the livestock building.

The proposed dwelling is of traditional design and is on an area of land immediately to the west of the mobile home and while it would be visible from the road is considered to be well screened from any long distance views. The siting is set off the boundary hedge and trees to the north so the dwelling would fall outside the canopy spread of any major trees. There have been a number of comments received in

respect of the land ownership of the site and private rights of way. However land ownership is not a planning matter it is a private civil one. If it is proved that there is a separate owner of the site, the applicant could be prevented from implementing any permission that may be granted. These issues have been brought to the attention of the applicant and amended plans have been received that delete a lean-to off the end of the dwelling and allow access to the adjacent field to be maintained and so avoid the need to provide a new field access.

In summary the farming business is considered to be a viable one and the appraisal confirms the functional need to be within sight and sound of the livestock buildings and there is an appropriate labour requirement for the business. The design and impact of the dwelling are considered acceptable and the proposal is recommended for approval.

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

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