

24/12/0057

MS S COLE

ERECTION OF TIMBER SHED AT DAISY ALICE ORCHARD, WEST SEDGEMOOR ROAD, HELLAND, NORTH CURRY (RESUBMISSION OF 24/12/0036) AS AMENDED BY PLANS AND LETTER RECEIVED 08/02/13

Grid Reference: 333012.124211

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed shed is required in connection with the maintenance and up keep of the small orchard and is considered to be acceptable and would not harm visual nor residential amenity of the area. Therefore, the scheme accords with Taunton Deane Core Strategy Policies DM1(General Requirements), DM2(4a)(Development in the Countryside) and CP8 (Environment).

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A4) Shed Information
(A4) Location Plan (Amended)
(A4) Layout Plan(Amended)
(A4) Site Plan

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

3. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the living hedge and sedum roof 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 Policies DM1 and CP8 of the 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 negotiated amendments to the application to enable the grant of planning permission.

PROPOSAL

Planning permission is sought to erect a timber shed, measuring 1.82 m x 3.65m. The shed will have windows on one elevation. It will be sited in the North West corner of the site. An amended plan shows the shed position to be 9 metres from the waterway running along the northern boundary.

SITE DESCRIPTION AND HISTORY

The site is located in the open countryside approximately 1 mile from the settlement limit of North Curry. It is accessed from a minor lane, at the north east corner of the site, which runs north from the A378 to North Curry. The Orchard is 0.28 ha (0.68 acres) and the submitted plan shows 11 apple trees growing on the site. The site runs parallel to the highway and is approximately 85m long x 32m wide. A hedge and/or drain run around the boundaries of the site and are between 3m and 4m in width. There is an existing caravan on the site, which the applicant states is currently used for storing equipment.

24/09/0031 - ERECTION OF LOG CABIN AND WOODEN APPLE STORE Refused 23/12/09

24/10/0023 - FORMATION OF HARDSTANDING FOR THE SITING OF A CARAVAN, ERECTION OF STORAGE BUILDING AND CREATION OF AN ACCESS TRACK Refused by Committee 26/04/11 and subsequent Appeal dismissed

24/12/0036 - ERECTION OF TIMBER SHED
Application withdrawn

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

NORTH CURRY PARISH COUNCIL – In spite of the reduction in the size of the shed and the location, the changes do not fully address the concerns of the Parish Council. The concerns not addressed are the construction of a shed in an open and sensitive landscape and the unsuitability of the shed for the stated purpose, a shed with windows being inappropriate for secure storage of tools and apple storage. Concerns remain that the long term intention is to occupy the site permanently.

CC - TRANSPORT DEVELOPMENT GROUP - No observations

LANDSCAPE – The shed is very suburban in character in a rural area. If it is acceptable in planning terms it will need careful screening.

SOMERSET DRAINAGE BOARD CONSORTIUM - The Board had a fairly protracted discussions with the original applicant Mr Horacek regarding development at the above location in 2009 & 2010. I believe that development was refused, went to appeal and the decision was upheld by the Planning Inspector. The Board's concerns related to protection of the maintenance access to allow the land drainage network to be adequately maintained particularly the viewed rhyne called "Sedge moor Old Rhyme" to the north of the site. Viewed rhyne are watercourses that the Board undertakes maintenance of as those drainage channels provide the arterial drainage network between the field boundary ditches to the Main Rivers operated and under the jurisdiction of the Environment Agency. There is also a "non viewed" rhyne to the west of these proposals which is the responsibility of the adjacent landowners to undertake the required maintenance and this would include the current applicant.

The current siting appears to be closer to the top of bank of the adjacent watercourses than the 9.0 meters stipulated in the Board's Byelaws however because of the temporary nature of the proposals the Board could accept a lesser distance of 6.0 meters from the top of bank of the adjacent watercourses. This reduced distance would require the applicant to conclude a land drainage consent application with the Board and the applicant would have to confirm within the submission how maintenance would be carried out. Basically the how, what, where and by whom? If the siting details can be agreed indicating that the proposals will be site no closer than 6.0 meters from the top of bank of the adjacent watercourse and land drainage consent will be applied for the Board would not object to the application. Recommend informative not.

Representations

Four letters of objection have been received on grounds of;

- The shed is neither fitting nor appropriate
- Location will be imposing
- A third of the site foods
- Will have clear view of shed from bedroom window
- Little orchards should not have any kind of dwelling, structure or building
- Shed will be disruptive and intrusive to immediate inhabitants.
- Will affect regions character and peaceful environment.

PLANNING POLICIES

CP8 - TD CORE STRATEGY- ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,
NPPF - National Planning Policy Framework,
FZ2 - Floodplain Zone 2,
STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,

LOCAL FINANCE CONSIDERATIONS

The development of this site would result in no payment to the Council of the New Homes Bonus.

DETERMINING ISSUES AND CONSIDERATIONS

Daisy Alice Cider Orchard is located on the Somerset Levels, outside of defined settlement limits, where new development is strictly controlled. Policy DM2 defines the uses that will be supported on the open countryside. Section 4(a) of the policy supports new non-residential agricultural and forestry buildings commensurate with the role and function of the agricultural or forestry unit. The cider apple trees are a form of agriculture and the proposed shed is to store equipment needed in order to maintain the "orchard".

This application is a re-submission following negotiations with the applicant to reduce the size of the proposed shed. The shed has also been re-positioned to minimise its visual impact. The site is located in a landscape character area where the visual impact of the development on the wider area is considered to be important. The proposed sedum roof and living hedge to be planted along two sides of the shed will reduce the visual impact of the shed.

The site lies within an area that is liable to flood. There is a small raised area within the site which is outside of the land which would flood (in Flood Zone 1) but it is surrounded by land in Flood Zone 2 and 3b. The proposal is not considered to be vulnerable development and is not considered to increase flood risk. The amended plan shows the shed to be 9 meters away from the watercourse adjoining the northern boundary to prevent any further requirements for consents from the Drainage Board.

The applicant has confirmed their intention to remove the existing caravan on the site once the shed is erected.

The proposal is not considered to affect the amenities of nearby properties. The fact that it may be visible from a window does not mean that their residential amenities are adversely affected. The shed is modest in size and it is considered commensurate with the size and requirements of the orchard. It is considered to be positioned in the most suitable location within the site and the proposed landscaping will prevent significant adverse impact upon the visual amenities of the landscape. As such the application 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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