

38/16/0227

## KIBBEAR FARM HOLIDAYS

**Change of use of land from siting of agricultural workers accommodation to siting of holiday accommodation on land to the north of Cutliffe Farm, Sherford.**

Location: CUTLIFFE FARM, SHERFORD ROAD, TAUNTON, TA1 3RQ

Grid Reference: 322948.123002

Full Planning Permission

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## 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 41209/24 Site - Location Plan

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

3. The proposed use hereby approved shall not commence until the new access to Cutliffe Farm (as required by Condition 18 attached to planning permission 38/12/0203) has been provided in accordance with that planning permission. Should the access cease to be available, the use of the site hereby permitted shall cease and shall only resume once the access has been made available once more.

Reason: In the interests of highway safety.

4. The mobile homes/caravans shall be occupied for holiday purposes only and shall be limited to 13 in number, unless otherwise agreed in writing by the Local Planning Authority.

The mobile homes/caravans 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 mobile homes/caravans 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.

#### 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. You are advised of the need to access the site from the new access off Killams Drive.

## Summary

This application was deferred by the Planning Committee on 5<sup>th</sup> April for the following reasons:

- To clarify the status/lawfulness of the existing caravans;
- Whether access from the site to Sherford Road/Mountfields Road could be prevented;
- To seek comments from Economic Development;
- Confirmation of the size of the site and whether 13 vans could legally be stationed on the site for holiday purposes;
- Provision of photographs/visual assessment from the surrounding area (mid-distance views);
- Clarification of facilities for ablutions/the need for further drainage/infrastructure; and
- Licensing to be informed of the concerns of Members over the proximity of caravans/lack of facilities.

## Proposal

Cutcliffe Farm is situated in the open countryside, just outside of Taunton and accessed from Sherford Road and Mountfields Road. The site is a well-established farm consisting of a large number of buildings, mainly modern with some of traditional style. Part of the farm business operates as a fruit farm reliant on seasonal workers.

Planning permission is sought for a change of use of land from agricultural workers

accommodation to holiday accommodation. It is proposed that the holiday accommodation would amount to the same floorspace as the existing units, with the existing units either refurbished or replaced. It will provide employment for 3 part-time staff.

A Highways Technical Note has subsequently been submitted by the applicant in response to the initial objection from the County Council Transport team.

The agent has also provided a further letter in response to the Committee's reasons for deferral, which is summarised as follows:

- The units are currently partly occupied and are available for seasonal workers if and when required;
- The new access through Killam's is long desired by the applicant, who will direct traffic to/from the site to the new access through advertising and booking material;
- The applicant is prepared not to bring the site into use until the Killam's link is available;
- It is not practical to close Mountfield Road as it is used by others including the Wyvern Club;
- The site is just over 1 acre in area and can readily accommodate 13 vans;
- There is mains water and electricity on site. There is drainage to an existing septic tank and soakaway system. The number of units and occupancy levels are not set to increase so there should be no need for further drainage infrastructure.

## **Site Description**

The application site is a roughly rectangular field located to the north east of the main farm buildings. There are 13 mobile homes and a cabin on site and a car parking area in the north west corner. Access to the farm is gained via a private drive which is served off Sherford Road. The site is well screened to the west and north by trees and hedgerows.

A network of public footpaths pass in close proximity to the farm, but do not pass through the farmyard itself. The farm lies to the north of Cotlake Hill, a designated Special Landscape Feature. The site lies within the Vivary Green Wedge.

## **Relevant Planning History**

38/11/0687 – Erection of annexe to the accommodation block to accommodate seasonal farmworkers. Permission granted July 2012. This extension has been built and provides living accommodation for 8 seasonal workers on the fruit farm.

Various permissions have been granted in recent years for new farm buildings.

## **Consultation Responses**

*ECONOMIC DEVELOPMENT* - Enterprise in rural areas, particularly in the tourism

(holiday accommodation) sector, is vital to the growth of Taunton Deane's economy, supporting a high proportion of local jobs both directly and indirectly. I am therefore happy to support this application.

*ENVIRONMENT AGENCY* - No comments received.

*SCC - TRANSPORT DEVELOPMENT GROUP* - (Original Comments) The applicant has not provided a clear indication on which route they plan for the proposed traffic to utilise to and from the application. However, it is apparent that both Sherford Road and Mountfield Road are narrow in their nature. It is the opinion of the Highway Authority that the proposal would likely result in an increase of traffic movements along both roads which would have a detrimental impact on the existing highway network. Taking this into account, I would recommend that this application be refused on highway grounds for the following reason:

1. The approach roads by reason of their restricted width and poor alignment are considered unsuitable to serve as a means of access for the type of traffic likely to be generated by the proposed development. The proposal is therefore contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Taunton Deane District Core Strategy (adopted 2011).

*SCC - TRANSPORT DEVELOPMENT GROUP* (Further Comments) - Having received and reviewed the Technical Note from Bellamy Transport Consultancy, I would refer you to my letter dated 26 September 2016 in connection with this planning application (a copy of which is attached for your information). I consider that these comments apply equally to the present application.

The main concern that the Highway Authority had with the application for Cutliffe Farm was the approach roads being narrow in their nature, the increase of vehicle movements and the potential conflicting vehicle movements along the narrow approach roads with the existing vehicle movements would represent a highway safety concern.

*SCC - TRANSPORT DEVELOPMENT GROUP* (Final Comments) - The Highway Authority would not raise an objection to the suggested Grampian condition being attached to the planning consent for Cutliffe Farm. However, the access would have to be constructed to an appropriate standard and there should not be any conflicting traffic movements between the vehicles that are going to use Cutliffe Farm and the construction traffic that the 38/12/0203 application generates before the Cutliffe Farm site is first brought into use.

## **Representations Received**

Councillor Herbert has written in to reiterate and support the concerns of the local residents.

Nine objections from local residents have been received and a letter from the Wilton & Sherford Community Association. The main issues raised are summarised below:

- The proposal will result in a significant number of car additional journeys on a narrow and bendy road;
- The lack of footways for pedestrians and blind bends will increase traffic hazards;
- The road is already plagued by heavy farm traffic;
- The area is prone to flooding;
- The proposed holiday lets will be in addition to the seasonal workers so there will be an increase in traffic;
- There is no information on how many months of the year that the holiday lets will be occupied;
- Visual impact on the Vivary green wedge;
- The economic benefit of 1.5 FTE jobs is insignificant compared to the impact on the environment;
- What happens to the existing seasonal workers?
- Could a new access via Mountfields/South Road be utilised?

Six further objections were submitted in response to the Highways Technical Note as summarised below;

- It is not agreed that the existing traffic is light as heavy farm machinery use Sherford Road.
- There are few opportunities to pass on the road;
- The access routes described in the note are footpaths and not primary dry walking routes;
- It would be better to build a new road to serve the farm;
- The new accommodation block approved in 2012 is not being occupied by seasonal workers;
- Whilst the new accommodation is now occupied, the caravans have not been removed from the land even though this was implied in the officer's report.
- There is no guarantee that traffic to and from the caravan park will use the new access through the Killams development. This new access is on the opposite side of the farm complex and will entail traffic driving across a working farm;
- A robust and enforceable condition is required that ensures that no additional traffic from the farm and its subsidiary developments uses Sherford Road;
- A traffic census would identify the frequency of non-agricultural use of Sherford Road.

## **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.

SD1 - Presumption in favour of sustainable development,  
CP6 - Transport and accessibility,

CP8 - Environment,  
SP4 - Realising the vision for rural areas,  
CP1 - Climate change,  
DM2 - Development in the countryside,  
SB1 - Settlement boundaries,  
ENV3 - Special Landscape Features,

This takes into account the recent adoption of the SADMP.

## **Determining issues and considerations**

### **The Principle of the Proposed Use**

The application site has been used for the siting of caravans for seasonal agricultural workers for a number of years. The use of land for the stationing of caravans for seasonal agricultural workers benefits from permitted development rights. However, this is on the proviso that the caravans are removed from the land when the seasonal workers are no longer required. Historically, the seasonal workers on the farm have been used for picking soft fruit during the summer period. The caravans have remained in situ for a number of years and have not been removed after the end of the fruit picking season. It is now apparent that some of the units are occupied, but not by seasonal workers. This means that the existing use of the land for the stationing of caravans/mobile homes for general residential occupancy (non-seasonal workers) is not lawful.

Accordingly, the application has to be considered as a fresh application for the use of the land for holiday accommodation. The site is located within the open countryside and should be assessed against Core Strategy Policies CP8 and DM2. Policy DM2 supports accommodation within existing buildings where it supports farm diversification and also supports caravan and camping sites provided that there is good access to the main road network. This proposal does not strictly comply with either of these parts of the policy as it is not a conversion of existing buildings and the caravans are static, permanent structures. That said, the proposal would support the diversification of the existing farming enterprise and, on balance, it is considered to be acceptable in principle.

### **Visual Impact**

The proposed site for holiday use is located to the north east of the existing farm complex. A visual assessment of the site from mid-distance views has been carried out by officers. Photographs have been taken from the public footpath to the north of the site (linking Sherford Road with Mountfield Road) and from the footpath to the west which ascends to Cotlake Hill. The site is well screened from near and mid-distant views by extensive hedging. The site is not visible from Cotlake Hill to the south as it is hidden behind the existing farm buildings. The existing mobile homes cannot be seen from the footpath to the west due to screening. Glimpses of the site through small gaps in the field hedge can be seen from the public footpath to the north of the site. However, the visual impact is insignificant.

In visual impact terms, there is little difference between caravans occupied by seasonal workers and caravans for holiday accommodation. The application is

seeking merely to establish the use of the land for holiday accommodation, with no increase in the number of caravans that have been positioned on the site for a number of years, albeit recently without planning permission. Consequently there would be little difference in landscape impact of the proposal. Any operational development on the site, such as the replacing the caravans with more permanent structures, will require planning permission. It is considered appropriate to impose a condition that limits the number of caravans, in order to safeguard the visual amenity of the area.

## **Highway Safety**

Access to the site is gained by a long private drive which connects to Sherford Road to the north west and Mountfield Road to the south west. Both of these roads are narrow with few passing places. These roads are heavily trafficked by both local traffic and heavy farm vehicles. A number of local residents have raised concerns about the suitability of the access and the likely intensification of use. County Highways also initially raised an objection to the proposal on the basis that the increase traffic and potential conflicting vehicle movements would represent a highway safety concern.

Members will be aware that a new housing development is being constructed on land at Killams Drive and Avenue. Planning permission was granted in December 2013 subject to a number of conditions including a requirement for a new access to Cutliffe Farm to be provided. Condition 18 states:

*“The new access to Cutliffe Farm shall be provided and capable of use prior to the occupation of the 50th dwelling within the first phase of development and shall thereafter be maintained as such.*

*Reason: The benefits to existing residents of Mountfields Road in terms of highway safety from the provision of the new agricultural access weigh in favour of the development and it should be provided at an early stage in accordance with Policy DM1 of the Taunton Deane Core Strategy.”*

In discussions with County Highways, it is considered that the highway objection could be overcome by imposing a Grampian condition on any planning permission. This would prevent the use of the application site as holiday accommodation until the new access to Cutliffe Farm has been carried out satisfactorily. The applicant has indicated that they will use best endeavours to encourage visitors to the site to use the new main access road. It would not be reasonable in planning terms to insist on the closure of Sherford and Mountfields, particularly as the proposed use would not commence until the new access road is provided.

## **Conclusions**

The principle of the proposed holiday use is considered acceptable subject to conditions limiting the number of units and the satisfactory provision of a new access to the main farm complex.

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

**Contact Officer: Ms A Penn**