

09/2006/008

MR W H DISCOMBE

REVISED LOCATION OF EXISTING TEMPORARY AGRICULTURAL WORKERS DWELLING AT HELE VALE FARM, WATERROW (RE-SUBMISSION OF 09/2005/006) AS AMENDED BY AGENTS E-MAIL DATED 27TH SEPTEMBER, 2006 AND DRAWING NO. 300/01/REV A

304258/124067

RETENTION OF BUILDINGS/WORKS ETC

PROPOSAL

The proposal relates to the revised siting of a retrospective temporary agricultural workers dwelling. Previous application 09/2005/006, dated 29th November, 2005, refused retrospective permission for the temporary workers dwelling currently on site for visual impact reasons. Enforcement action to secure the removal of the dwelling has been authorised.

The dwelling measures 12.1 m x 6.75 m x 4.2 m to the ridge and comprises a single storey, 3 bed trailed pine lodge.

This application, as originally submitted, proposed significant landscaping/bunding in order to reduce the visual impact of the dwelling in its current position. Following comments from the Landscape Officer it is now proposed to relocate the dwelling some 22 m down slope and south of its current location. Bunding and landscaping has been altered as a result of the relocation.

Previous application 09/2005/006 was accompanied by application 09/2005/007, dated 29th November, 2005, for 2 poultry units measuring 48 m x 10 m that was also refused for visual impact reasons. The applicant has decided to continue with the poultry business but using portable units that do not require the benefit of planning permission. This proposal is however accompanied by application 09/2006/006 for a livestock building intended as a beef rearing and fattening enterprise.

Submitted with the proposal is an agricultural appraisal that states there is sufficient justification for a dwelling to be located on site, based on 36,000 poultry, 25 suckler cows (including calves), 22 other cattle (12 - 24 months) and one bull. The appraisal also shows evidence that the enterprise will be financially viable.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no comments received however the response to the previous application 09/2005/006 was as follows:- objections raised on sustainability grounds however it is a matter for the Local Planning Authority to decide whether there is an overriding agricultural need. Should the application be recommended for approval the following conditions will need to be imposed, visibility splays of 2 m x 70 m in each direction, hard surfacing of first 8 m of track and provision of two parking spaces. RIGHTS OF WAY there appears to be some new

planting proposed on either side of the footpath. The owners will be responsible for ensuring that the vegetation is kept back from the footpath at all times.

LANDSCAPE OFFICER (on original plans) I am concerned that the proposed dwelling will remain prominent in the local landscape and that although some mitigation is proposed it will still not be able to integrate it into the local landscape. It would therefore be detrimental to the local landscape character of the area. (On amended plans) - subject to landscape details this is a much better location for the dwelling. Set further down the slope it should have limited visual impact from surrounding lanes.

PARISH COUNCIL (on original plans) we strongly oppose the siting of any house in this area which has very bad access roads. It would be an unwanted intrusion on lovely open countryside and set a precedent for other landowners to follow. (On amended plans) we strongly oppose this application because it would set a precedent for developing open countryside – contrary to TDBC plan policy.

POLICY CONTEXT

Somerset & Exmoor National Park Joint Structure Plan Review – Policy STR1 on sustainable development requires that development minimises the need to travel, Policy STR6 states that development outside towns, rural centres and villages should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

Taunton Deane Local Plan - the following policies are considered especially relevant:- Policy S1 (general requirements), Policy S2 requires development to be of a good design. Policy S7 states that outside defined settlement limits new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and meets certain criteria. These criteria include that it is for the purpose of agriculture, it is necessary to meet a requirement of environmental or other legislation and that it supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement. Policy H12 states that dwellings for agriculture or forestry workers will be permitted outside the limits of settlements provided there is a proven functional need for the dwelling there and the farm or forestry unit for which it is sought is proven to be financially viable. Policy EN12 requires that the distinct character and appearance of Landscape Character Areas should be maintained.

ASSESSMENT

An agricultural appraisal has been submitted with the application that appears to meet the financial and functional requirements of PPS7. This concludes that there is clear evidence of a firm intention and ability to develop the enterprise and there is an essential functional need for a dwelling to be located on the site.

The Parish Council have objected to the principle of a new farmstead. It is usually preferred to locate new farm buildings in the vicinity of existing groups of buildings. New isolated farm buildings are however considered acceptable where they do not

detrimentally affect the visual amenity and landscape character of an area. Open Countryside Policy S7 promotes agricultural development and where development accords with a specific planning policy. Specifically, Policy H12 supports proposals for new agricultural dwellings in rural areas and therefore the principle of a new enterprise in this location would appear acceptable. Considering the support by planning policy the issue of creating a precedent for this form of development is not considered a relevant material consideration.

The previous application 09/2006/008 was not refused due to inadequacies in the agricultural appraisal or the principle of a new farmstead but purely on visual impact grounds. It is now proposed to move the existing mobile log cabin down slope some 22 m resulting in a drop in ridge level of some 4.2 m. This repositioning means that the dwelling would be less prominent within the landscape and combined with the proposed landscaping and bunding would now appear acceptable.

The Highway Authority has raised concerns regarding the sustainability of the proposal. However this objection is overcome by Policy S7 that promotes agricultural developments in rural locations. Also requested is a visibility splay requirement of 70 m in each direction with a set back of 2 m. The latter splay would require the removal of a significant amount of hedgerow and bank to the south east of the access. Not only is this hedgerow outside the applicant's ownership but would also be detrimental of the visual amenity of the area. Considering the rural nature of this infrequently used lane, that this is an existing agricultural access and the latter visual impact, the visibility splay is not considered necessary. It should be noted that contrary to the Parish Councils comments that the Highway Authority are not objecting to the proposal due to the condition of any approach roads. Considering the latter and that the proposal uses an existing agricultural access the proposal is not considered prejudicial to highway safety.

RECOMMENDATION

Permission be GRANTED subject to conditions of 3 year temporary permission, materials, landscaping, agricultural tie, consolidation of access, parking and details of levels for mounding and regarding. Notes re maintenance of vegetation adjacent to the public right of way and moving mobile home from existing position.

REASON(S) FOR RECOMMENDATION:- The proposed mobile home for an agricultural worker has a proven functional need in connection with a viable business and as such provides suitable justification for its location outside the limits of a settlement. The proposal is considered not to have a detrimental impact upon visual amenity, residential amenity and the landscape character of the area. The scheme therefore accords with Taunton Deane Local Plan Policies S1, S2, S7, H12, EN12 and M4.

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

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