

29/2005/013

HOLCOMBE ENTERPRISES

ERECTION OF CATTERY BUILDING AND ASSOCIATED TEMPORARY MOBILE DWELLING AT ABBEYWOOD HOUSE, CULMHEAD AS AMENDED BY LETTER DATED 19TH DECEMBER, 2005 AND PLAN NO. 14/0/001B

22140/15738

FULL

PROPOSAL

The proposal is to erect a new cattery building to replace the existing business that has been operating at the site at Abbeywood since temporary permission was first granted in 1984. The proposal is to expand the business from 28 units and a licence for 30 cats to a provide a purpose built unit for 60 cats. The building to house this would be single storey and 47 m x 9.5m. In addition to this expansion a functional need for a second dwelling at the site has been demonstrated and a timber chalet dwelling is proposed to meet this need.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY have great concern over this application. I accept that this type of development is one that is more suited to an out of town area and that the current use has been operational without complaint for the last 20 years. However I do not feel that adequate information has been supplied in order to satisfy the justification for a further dwelling in this location and clarification has not been received with regard to the term 'temporary'. Notwithstanding the aforementioned comments it must largely be a planning matter as to whether or not this is a suitable location for an extension to the existing use and in particular a workers dwelling. If it is and there is overriding support and/or the proposed dwelling is required to satisfy a genuine local need then a highway objection to the proposal may be inappropriate. Therefore it must be a matter for the Local Planning Authority to decide whether any other overriding planning need, outweighs the transport policies that seek to reduce the reliance on the private car. If the Authority is minded to grant consent I would recommend the following condition re ancillary accommodation for occupation by persons employed at the cattery only. COUNTY ARCHAEOLOGIST as far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

LANDSCAPE OFFICER the site is well screened from the south and west. It is less well screened from the north and east but with additional planting and management of the existing hedgerows it should be possible to mitigate the proposals into the local area. NATURE CONSERVATION OFFICER my initial concern was dormice may be affected. However having read the wildlife report and visited the site I am happy that the proposals will not affect protected species. FORWARD PLAN UNIT the proposal lies in the open countryside well beyond any identified settlement limit. Policy S7 therefore applies. Under this policy new buildings in the countryside should be for the purposes of agriculture or forestry or supports the vitality and viability of the rural economy. The

proposal cannot be considered as 'employment use' as defined in the local plan being sui generis rather than B1, B2 or B8. However PPS7 supports the development of rural based enterprise in principal. The cattery unit was granted temporary approval expiring in September 2004 and the use is therefore unauthorised. From a policy perspective the continued use of a cattery from this site is acceptable. However there are strong concerns with the current application to both extend the facility by 100%) and to seek temporary residential accommodation. The existing enterprise is run and managed by owners who live on site. The applicants state doubling their number of cats accommodated would require a full time manager to carry out their duties and that accommodation should be provided on site to share the licence responsibilities. The existing cattery licence requires that a responsible person must be within reasonable distance of the premises at any time. The facility already operates with one associated dwelling on site and this requirement is already being fulfilled. Annex A of PPS7 (Sustainable Development in Rural Areas) states that new occupational dwellings in the countryside require special justification for planning permission to be granted. A supporting statement has been submitted with the application but provides no satisfactory justification for the permission of an additional dwelling when the activity has already operated viably over a number of years with one existing associated dwelling. If it is simply required due to the proposed increase in scale of the operation then it is considered that such an extension should be resisted as inappropriate in this location if it consequently resulted in an additional (even temporary) dwelling in open countryside.

PARISH COUNCIL whilst the Parish Council has no objections to a replacement cattery being built at Abbeywood, it does have reservations about the size and siting of the new building. The Councillors are of the opinion that the proposed site is too far away from the existing cluster of buildings. They feel that there is no justification for an additional dwelling (whether temporary or not) on the site, and would ask that should the application be granted a restriction on the sale of the new buildings as a separate business enterprise be imposed. The Council feels that the visual impact of so large a development would adversely affect the surroundings in this Area of Outstanding Natural Beauty. Furthermore although it does not seem to have been mentioned in the application, there appears to be a requirement for another access opening onto the lane. The Council would wish to oppose this access. Broadly the Council accept that a dwelling should be allowed on the site so as to accommodate the existing cattery business but they would prefer to see the building sited further away from the road and behind the existing dwelling." The Council is pleased by the increase to the proposed planting to screen the development from the road. The Council would prefer a more traditional style of building, being aware that temporary dwellings are often allowed to stand for much longer than was originally permitted. Amended Plan? The Councillors are of the opinion that the amended site for the dwelling is still too close to the road, they are still unconvinced of the need for another dwelling on site and they would be unhappy with any further development of the land which lies within the AONB - this notwithstanding the decision by TDBC to allow development applied for in 29/2005/011.

POLICY CONTEXT

PPS7 - Sustainable Development in Rural Areas

RPG10 - Regional Planning Guidance for the South West

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 Sustainable Development, STR6 - Development Outside Towns, Rural Centres and Villages, POLICY 1 - Nature Conservation, POLICY 3 - Areas of Outstanding Natural Beauty, POLICY 19 - Employment and Community Provision in Rural Areas.

Taunton Deane Local Plan Policies S1 - General Requirements, S2 - Design, S7 Outside Settlements, H12 - Agricultural or Forestry Workers, EC2 - Expansion of Existing Firms, EC7 - Rural Employment Proposals, EN10 - Areas of outstanding Natural Beauty.

ASSESSMENT

The proposal is to provide an improved and enlarged cattery business at a property within the Blackdowns Area of Outstanding Natural Beauty. The proposal would provide a building 9.5 m x 47m set within an area of trees so that it is well screened from the surrounding area. In addition a temporary dwelling in the form of a timber chalet 9 m x 12.5 m is proposed.

Policies EC2 and EC7 of the Local Plan allow for expansion of existing businesses where there is no suitable alternative site and there are no adverse impacts in terms of residential amenity, highway safety or landscape impact. The proposed building is not one that could be easily located within a settlement without having an adverse impact on residential amenity due to the nature and scale of the use. This is one reason the use has operated in its existing location since 1984 without complaint. The access to the site is via existing roads and driveway and the Highway Authority have no objection on highway safety grounds only concern over the sustainability of the use in this rural location. The siting of the two buildings is set within an existing area of trees giving a good landscape screen to this site within the AONB. The siting of the buildings is considered acceptable in landscape terms and will result in minimal tree loss and visual amenity impact in comparison with alternative sites suggested.

As part of the proposal it is argued that an additional dwelling is required on site in order to properly operate the expanded business. This need is supported by an appraisal indicating a functional need for more than 1 person to operate the business in its expanded form. Clearly there is an existing dwelling on the site from which the current business is run. It is claimed that the expanded business will require an additional unit and the provision of such is supported by Government guidance in PPS7 provided there is a functional need. While it is accepted that the functional need has been identified, this is only on the basis of the expanded business. It is therefore considered appropriate that some control should be imposed over the timing and provision of the additional unit. In order to ensure there is no future need for dwellings here it is considered that the business should be linked to the land and existing dwelling so it cannot be sold off separately. This is supported by the Parish Council. A Section 106 Agreement is

therefore considered necessary to prevent the sale of the land and new buildings away from the existing house. In addition a condition is considered necessary to tie the occupation of the temporary dwelling to the use by someone employed in the cattery only. A temporary condition on the dwelling unit is proposed in case the business as proposed doesn't succeed on the scale proposed.

On the basis of the controls suggested above the expanded business is considered to be one that would benefit the rural economy and would not harm the landscape, residential amenity or highway safety and the scheme is considered to comply with the policies in the development plan. The application is therefore recommended for approval.

RECOMMENDATION

Subject to a Section 106 tying the new buildings and land to the ownership of the existing house the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, landscaping, temporary building, surfacing of parking and occupational worker tie.

REASON(S) FOR RECOMMENDATION:- The proposed development is considered to comply with Taunton Deane Local Plan Policies SI, S7, EC2 and EC7 and material considerations due not indicate otherwise.

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

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NOTES: