

20/2006/017

MILLFIELD NURSERIES LIMITED

**REMOVAL OF CONDITIONS 05 AND 06 OF PLANNING APPROVAL 20/2000/025 TO PERMIT THE USE OF THE BUILDING FOR WARDEN ACCOMMODATION, RECEPTION, OFFICE AND STORAGE IN CONNECTION WITH HOLIDAY CABIN DEVELOPMENT AT SWALLOWS BARN, PARSONAGE LANE, KINGSTON ST MARY (REVISION 20/2006/010) AS AMPLIFIED BY APPLICANTS E-MAIL AND DRAWINGS RECEIVED 2ND AUGUST, 2006.**

322202/129032

REMOVAL OF ONEROUS CONDITIONS

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## **PROPOSAL**

The proposal relates to the removal of Conditions 05 and 06 of planning approval 20/2000/025, dated 13<sup>th</sup> November 2000, to this existing office building known as Swallows Barn. The latter conditions are as follows:- 05. The premises hereby approved shall at all times be used in connection with, and ancillary to, the existing use of the site as Millfield Nurseries. Reason: It is in a rural area where a separate use may cause highway and other conflicts with existing Structure and Local Plan Policies. 06. The office, storage and staff accommodation hereby permitted shall be used for agricultural and ancillary purposes only. Reason: It is in a rural area where a separate use may cause highway and other conflicts with existing Structure and Local Plan Policies.

Additionally the existing building is proposed to be used in connection with the adjacent holiday cabin development as a reception, office and storage accommodation. Also proposed within the building is warden accommodation.

This proposal follows the recently refused application 20/2006/010 dated 15<sup>th</sup> June, 2006, to remove the above conditions to allow the building to be used as an independent office building for the following reason:- Removal of the conditions would give rise to traffic movements independent of uses on the land edged blue on the submitted location plan that would be likely to cause additional traffic movements attracted to the site to the detriment of highway safety. As such the proposal is contrary to Policy 49 of the Somerset & Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan.

The applicants has submitted floor plans of the office building showing which floor and areas are to be used for the wardens accommodation. Also submitted is a statement requesting that the accommodation be tied to the cabin development and reasons why the use of the existing dwelling is unsuitable for warden accommodation.

## **CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY comments awaited.

PARISH COUNCIL object. Having received full permission for 18 log cabins for “tourism/education purposes” with strict occupation conditions, it would be most inappropriate to grant permission for any form of permanent residential accommodation on this site which is outside the village settlement limit. Millfield House was granted on appeal for the nursery Manager. In his report the inspector refers to security of the site as an important consideration in his decision. Since this dwelling is subject to an agricultural tie and occupied by the applicant, the PC believe that the need for a warden in permanent occupation at Swallows Barn is not necessary.

8 LETTERS OF OBJECTION have been received raising the following issues:- if the conditions are removed what is to stop the wardens accommodation being sold on the open market; this is one more unwelcome step in the overdevelopment of this part of the village; the owner has not set out his intensions with the previous application, this proposal is for residential not a holiday village; why was this application put forward at the time of the previous applications; how can the ties be removed when the office is still being used in connection with Four Winds transport and would appear to be operating a chicken farm; conditions 5 and 6 are just as valid now as they were when placed; the site is no longer a holiday cabin development but a site for holiday homes being advertised for £250,000 and being told they can be occupied for 11 months of the year, so what role will a warden possibly have; object in principle.

4 LETTERS OF SUPPORT have been received on the following grounds:- the status quo should be maintained; I cannot understand the problems the applicant is having in trying to find an alternative use for an existing building; the present use of the building will expire when the cabins are occupied; the proposed uses appear to be appropriate for the building.

## **POLICY CONTEXT**

Policies STR1 (Sustainable Development) and STR6 (Development Outside Towns, Rural Centres and Villages) of the Somerset & Exmoor National Park Joint Structure Plan Review.

Policies S1 (General Requirements) and S7 (Development Outside Settlement Limits) of the Taunton Deane Local Plan.

## **ASSESSMENT**

The refusal of the previous application 20/2006/010 to remove these conditions was based on the fact that independent use of the building would generate significant further traffic movements attracted to the site above those of the cabin development. This proposal utilises the building in connection with the cabin development and therefore traffic movements will not be significantly increased as a result. The previous refusal reason would appear therefore to be overcome.

This proposal however raises new concerns, mainly with regard to the wardens accommodation that is affectively residential accommodation outside of any

settlement boundary. The applicant is happy for the wardens accommodation to be tied to the cabin development, however currently only one of the cabins has been partially constructed. There is therefore no current need for a warden. Any proposal for residential accommodation outside of the settlement boundary needs to be appropriately justified in a similar fashion to the functional test approach for agricultural workers dwellings. In other words there needs to be a proven need for someone to reside on the site 24 hours a day. The applicant has submitted no such justification. Furthermore the duties of a warden such as booking in holiday makers, handing over keys, taking them to the cabin, maintaining communal areas etc would not appear to justify a person to permanently reside on the site. Tying the wardens accommodation to the site would not overcome this lack of justification and therefore appears an inappropriate course of action.

The other proposed uses, i.e. reception, office, laundry facilities and storage in connection with the holiday cabin development would appear to be an appropriate re-use of the building.

The applicants make the point that the currently agriculturally tied dwelling is in different ownership to the cabin development site (albeit a relative) and could be sold at any point. It would therefore appear unreasonable to insist that wardens accommodation be provided within the existing dwelling.

## **RECOMMENDATION**

Permission be REFUSED for the following reasons (1) The site is located outside the limits of a settlement in an area that has very limited public transport services. The development will increase the reliance on the private motor vehicle and would compromise sustainable development, which is contrary to advice contained within PPG 13 and RPG 10 and to the provisions of the Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1 and STR6 and contrary to Taunton Deane Local Plan Policy S1(A); and (2) The site is located outside the limits of a settlement within the open countryside, where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural need or other appropriate need. In the opinion of the Local Planning Authority the proposal does not constitute a genuine agricultural or other appropriate need and would therefore be contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and STR6 and Taunton Deane Local Plan Policy S7.

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

**CONTACT OFFICER: 356469 MR R UPTON**

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