

MRS COCKCROFT

**ERECTION OF A SIX BEDROOM HOLIDAY CHALET WITH ASSOCIATED EXTERNAL GARDEN, POND AND PARKING AREAS AT PAY PLANTATION, STAPLEY**

Grid Reference: 318934.113452

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

- 1 The proposed development is located in the countryside of the Blackdown Hills Area Of Outstanding Natural Beauty where new development is strictly controlled and there is no need for the proposed new building to be sited in an isolated, unsustainable rural location and the economic benefit is not considered to outweigh the policy objection contrary to policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review, Taunton Deane Local Plan policies S1(B), S7, EC23 and EN10 and Core Strategy policies CP1, CP6, SP1 and DM2.

**RECOMMENDED CONDITION(S) (if applicable)**

Notes for compliance

1. You are advised that further wildlife survey work in respect of bats and reptiles will need to be carried out as recommended in your submitted survey and the Authority raise the right to raise this as a material consideration should decide to appeal any decision.

**WILDLIFE AND THE LAW.** The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

**BREEDING BIRDS.** Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

**BATS.** The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 (as amended)

2007), also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

## **PROPOSAL**

The proposal is the erection of a large modern two storey timber clad structure with a 'green' roof providing 6 bedrooms and sleeping up to 12 people for use solely as holiday accommodation. The bedroom area is a structure 8.5m x 10.5m which is linked by means of a circular stair to the living area (10.5m x 13.5m) with an indoor swimming pool and games area on the ground floor and lounge, dining and kitchen area on the first floor. An external balcony is also proposed to serve the first floor area. The site will be accessed via a track to be upgraded that is approximately 375m in length from the road to the proposed building. A parking and turning area for 8 vehicles is proposed.

A Design & Access Statement, Planning Statement, Economic Report, Wildlife Report and Ecological Management Plan and a Landscape and Visual Assessment Report were submitted with the application.

## **SITE DESCRIPTION AND HISTORY**

The area consists of natural scrub, trees and a marshy area lying to the east and south of footpaths which serve this area of the Blackdown Hills AONB. The site is accessed by an existing track approximately 275m long.

Previous applications at the site have included an application for a holiday chalet and formation of lake submitted in December 2007 (ref. 10/07/0037) which was refused in January 2008 and an application for a holiday chalet at the same location without the lake submitted in January 2009 which was refused in March 2009.

An application for 2 holiday chalets at a separate location within Pay Plantation was approved under different policy considerations in July 2005 (ref. 10/05/0008).

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*CHURCHSTANTON PARISH COUNCIL* - The Parish Council OBJECTS to the granting of permission for the following reasons;

- This is a new build in the countryside conflicting with local and national

policies which look for such tourism proposals to be sited within adjoining towns/villages

- Outside of settlement limits holiday accommodation should be located within existing buildings
- Isolated overdevelopment in the AONB countryside which is not sustainably located and the scale would encourage car use with difficult access
- Economic benefits do not outweigh the principles of sustainable development and local policies in such an isolated area
- If it fails as an enterprise concerns that this could become a permanent building
- Identified material affects on wildlife, woodland, light pollution and conflicts with children using the routes for cycling/walking to school

The Council were so concerned by this proposal that it was unanimously carried 'that we strongly object...'

#### *SCC - TRANSPORT DEVELOPMENT GROUP –*

The site lies outside of any development limit and is remote from any urban area, and therefore distanced from adequate services and facilities. As a consequence, the new development is likely to be dependant on private vehicles for most of the staff daily needs, deliveries and customers. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000), and Policy ST3 of District Local Plan.

Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether the tourism use of this proposal or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car.

I would draw the Planning Officers attention to a recent Appeal Decision 2156678, for a similar proposal whereby there were issues regarding sustainability and access.

It appears that previous consent was given for the provision of two holiday chalets in 2005 (10/05/2005). It would appear that the highway comments at that time, placed a requirement on the provision of a properly consolidated surface, for a distance of 10m from the edge of the highway and provide adequate drainage to prevent surface water from discharging onto the highway to the access directly opposite Stapley Mill. It is apparent from my site visit that this work does not appear to have been undertaken and the Local Planning Authority may wish to investigate this matter further. As these concerns have not been resolved, they will appear as part of this response. However, it should be noted that these works will be outside of the Red Line area of the application. Although it is not clear from the application, it is assumed that vehicular access into the site will be from the aforementioned access (opposite Stapley Mill). The following comments are based upon this assumption.

Visibility from the existing access is reasonable at a low level, and it would appear due the alignment of the verges that a visibility splay has been provided in the past. However, branches from trees and other vegetation overhanging the visibility splay are encroaching and the splays should be maintained to provide visibility, from a point 2m set back into the access and 60m in either direction. The access does not appear to be formed using a properly consolidated surface adjacent to the highway, and does not provide any positive drainage to prevent surface water from discharging onto the highway.

The access track, from the highway to the boundary of the site (the red line) measures approx. 280m, and is currently single lane width. To enter the proposed car parking area, an additional 100m of access track is to be provided as part of the proposal measuring approx. 3.5m in width.

This is considered a substantial length of single track carriageway, which will cause difficulties when two vehicles meet travelling in opposite directions (i.e. with one vehicle reversing a considerable length to allow the vehicles to pass each other). The only passing areas appear to be either a short section of the access track adjacent to the highway, or the car park itself. Concern is expressed, given the length and nature of the proposed access track, that any movements described above would be difficult and result in vehicles waiting either adjacent or on the highway to allow vehicles to pass. It is therefore recommended that passing places be provided along the access track, however it is noted that this is outside of the current Red Line area, although it is within the Blue Line.

It is my understanding that for conditions to be imposed and maintained in perpetuity, that the land relating to the conditions will need to be included within the Red Line.

Should the Planning Authority approve this application, and subject to my assumption regarding the access to the site is correct, I would recommend conditions

*ENVIRONMENT AGENCY* - No comment received

*SCC - RIGHTS OF WAY* - No comment received

BLACKDOWN HILLS AONB SERVICE – The Blackdown Hills Area of Outstanding Natural Beauty is primarily a pastoral landscape that has retained a sense of remoteness and consequently the AONB Partnership believes that the introduction of substantial permanent new buildings in isolated locations requires very careful consideration as to necessity and potential impact on the natural beauty of the area. Stapley is a small hamlet in a quiet location accessed by narrow lanes. As long ago as 2004 when the existing two chalets were applied for we commented that further development should be restricted. The creation of access, parking and garden area, with associated paraphernalia for large scale holiday accommodation and the intensification of use would have a detrimental impact on the character of the local area and would be bound to generate car based journeys as visitors would need to travel to access all facilities and services.

As you are aware the AONB Partnership supports its local planning authorities in the implementation of national planning policy and their own development management policy framework in order to conserve and enhance the natural beauty of the area, and I do not consider that the circumstances relating to this proposal have changed since recent refusals for similar.

*THE RAMBLERS ASSOCIATION* - No comment received

*DIVERSIONS ORDER OFFICER* - Please note that the Public Footpath T5/6, Parish of Churchstanton runs adjacent to the application site. If planning consents are granted then (i) Health and safety measures must be put in place to safeguard passage for would-be path users and (ii) vehicular access to the site must not unduly affect the surface of the public way.

*LANDSCAPE LEAD* - My main concerns are that the visual impact assessment has been principally carried out during the summer months with maximum leaf cover. Given the nature of the development the proposed use will be year round, especially Christmas and Easter when there will be no leaf cover. The addition of tree planting, position of the chalet, etc will help reduce the impact but it is unrealistic to think there won't be any visual or landscape impact. With the addition of car parking, outside activities, etc there will be additional impacts. Given the sensitive nature of the site within the AONB I think the proposal as seen from the local footpath will be contrary to EN10.

*BIODIVERSITY* - The land, triangular in shape, has been colonised by bramble ruderals and scrub. The scrub is denser in the wetter eastern section of the site where the chalet is to be located. To the west of the site the land slopes gently upwards and becomes drier with scattered scrub. A pond on site has become choked with vegetation. The site is accessed by a grass track which will require upgrading if planning permission is granted.

Scrub will need to be removed to accommodate the development but no mature trees will need to be removed.

Acorn Ecology Ltd carried out a wildlife survey report for the site in April 2010 and prepared a 10 year management plan for the site in July 2011. Findings of the survey were as follows

*Bats* - The surveyor noted that some of the beech trees on banks bordering the site have potential for roosting bats as well as being of use to commuting and foraging bats. The site itself, especially the wet areas, offers foraging potential for bats. She recommended that further surveys are carried out during the summer (May to September) to determine how bats use the site.

I agree that there is potential for providing roosting sites within the new building and on trees on site. Lighting should be sensitively designed.

*Dormice* - A brief nut search identified the presence of dormouse near the site and

so it is highly likely that dormice will be present in trees surrounding the site.

The scrub at the eastern end of the clearing has limited potential for dormice although this habitat is sub optimal and the likelihood is further reduced as there has been little time for them to colonise the scrub.

*Reptiles* - The site has potential for reptiles (slow worm, common lizard, grass snake and possibly adder) in the western end of the clearing. I support the recommendation to carry out survey work in the summer months. This does not appear to have been carried out to date. If reptiles are found they will need to be translocated to a receptor site.

*Badgers* - No badger setts were found within the survey area, probably because the site is too wet for badgers. I support the precautionary approach recommended.

*Birds* - There is potential for nesting birds on site and so clearance of vegetation should take place outside of the bird nesting season.

In accordance with PPS9 I would like to see wildlife protected and accommodated in this development. I suggest conditions

*NATURAL ENGLAND* - This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species.

Natural England's advice is as follows:

We have adopted national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development in this application in the same way as any individual response received from Natural England following consultation and should therefore be fully considered before a formal decision on the planning application is made.

The protected species survey has identified that the following European protected species may be affected by this application: Bats, Dormice and Reptiles.

Our standing advice sheets for individual species provide advice to planners on deciding if there is a 'reasonable likelihood' of these species being present. They also provide advice on survey and mitigation requirements.

The standing advice has been designed to enable planning officers to assess protected species surveys and mitigation strategies without needing to consult us on each individual application. The standing advice was issued in February 2011 and we recognise that it will take a little while for planners to become more comfortable with using it and so in the short-term will consider species surveys that affect European protected species against the standing advice ourselves, when asked for support by planners. We have not assessed the survey for badgers, barn owls and breeding birds, water voles or white-clawed crayfish. These are all species protected by domestic legislation and you should use our standing advice to assess the impact on these species.

How we used our standing advice to assess the survey and mitigation strategy :

*Bats* - We used the flowchart on page 10 of our Standing Advice Species Sheet: Bats beginning at box (i). Working through the flowchart we reached Box (xii). advises the authority that further survey effort is required in accordance with Bat Surveys - good practice guidelines and you should request additional information from the applicant. If it is not provided, then the application should be refused.

*Hazel Dormice* - We used the flowchart on page 6 of our Standing Advice Species Sheet - Hazel Dormice beginning at box (i). Working through the flowchart we reached Box (iii). advises the authority to accept the findings, consider requesting biodiversity enhancements for dormice (e.g. creation of habitat linkages) in accordance with PPS9 and Section 40 of the NERC Act.

*Reptiles* - We used the flowchart on page 7 of our Standing Advice Species Sheet - Reptiles beginning at box (i). Working through the flowchart we reached Box (viii). advises the authority that further survey effort is required in accordance with good practice guidelines and you should request additional information from the applicant. If it is not provided, then the application should be refused.

This advice is given to help the planning authority determine this planning application. On the basis of the information available to us with the planning application, Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of Dormice and therefore avoid affecting favourable conservation status. It is for the local planning authority to establish whether the proposed development is likely to offend against Article 12(1) of the Habitats Directive. If this is the case then the planning authority should consider whether the proposal would be likely to be granted a licence. Natural England is unable to provide advice on individual cases until licence applications are received since these applications generally involve a much greater level of detail than is provided in planning applications. We have however produced guidance on the high-level principles we apply when considering licence applications. It should also be noted that the advice given at this stage by Natural England is not a guarantee that we will be able to issue a licence, since this will depend on the specific detail of the scheme submitted to us as part of the licence application.

*SOMERSET ENVIRONMENTAL RECORDS CENTRE (SERC)* - No comment received

*ECONOMIC DEVELOPMENT* - On the basis that this will create employment in a rural area and support the rural economy I am happy to support the application.

*STRATEGY AND COMMUNICATIONS* - The proposed 'lodge' lies within the open countryside, approximately 3.5km from Churchinford, the nearest defined settlement in the adopted Local Plan and submitted (Reg 30) Core Strategy. I am not aware of a bus route serving Stapley and there is a very limited public transport service to Churchinford . Churchinford itself has very limited service provision (pub and limited hours shop). Hemyock (Devon) offers a slightly larger range of services but is

further distant (around 5km).

The application form states the proposed lodge is 480 sq.m. and provision is made for 8 car parking spaces. It also includes an indoor swimming pool. Two applications have been refused in the recent past for additional holiday lodges in this immediate location (10/07/0037 and 10/09/0003), reasons include location in the countryside, no justification for such a development in such an isolated location, insufficient economic benefits to the local economy, affect on environmental quality and landscape character of the AONB and the proposal would not constitute sustainable development.

The Planning Statement refers to a number of local and national policies, including EC24 of the Local Plan which is not a 'saved policy'. PPS7 (para 37) for example states that most tourist accommodation requiring new build should be located within or adjoining towns and villages. Of local relevance is policy DM2 of the published Core Strategy. For reasons such as sustainability and protection of the countryside, outside of settlement limits holiday accommodation should be located within existing buildings where there is an identified need and supports diversification of existing farming and service enterprises.

In line with national policy, the Council recognises and supports tourism as an important element of the Boroughs economy. However, this proposal constitutes new build, isolated development in the countryside, it is not sustainably located and the scale will encourage car use. Occupancy rates over the period 2008-2010 are not excessive (48%) and as was the case with earlier applications, I am not convinced that the economic benefits would outweigh the principles of sustainable development and local policies. Moreover, as a result of the investment required (£250K, which seems low for a building of this scale and swimming pool etc) an additional concern is that if lettings do not recoup outlay the Council will be faced with proposals to turn what is in effect a permanent building, into a class C3 dwelling house, as pressure has been put on the Council elsewhere in the Borough in similar circumstances.

I consider that the application is contrary to PPS1, PPS7, PPG13, Local Plan policies S1, S7, EC23, Core Strategy policies CP1, CP6, SP1, DM1b, DM2

## **Representations**

7 letters of support on grounds that:

- it will support local business,
- it will not be overbearing in the area,
- easy car access to services,
- adds to the tourist offer in the district and aid in sustainable tourism.
- it is considered to meet Local Plan policy EC23, Draft RSS policy TO1 and Core Strategy policy DM2.

A further 19 letters of support submitted with the application from businesses in the area.

15 letters of objection on grounds of:



- impact on AONB woodland with large modern building not in keeping with its surroundings;
- traffic infrastructure limited and will lead to more traffic for local residents;
- Stapley not a suitable location for traffic generated by large numbers of visitors;
- impact on and displacement of wildlife with a detrimental effect on protected species and other wildlife in the wood;
- risk of damage to woodland as there has been a fire in the past;
- impact on character of woodland track;
- the potential population influx to the complex would be excessive compared to Stapley;
- impact of stag or hen parties detract from enjoyment of landscape and have an adverse effect on tourism;
- impact on views of walkers;
- loss of rustic view;
- overdevelopment of this type of accommodation in the area
- scale of development (6 bed house with swimming pool and games room) out of character with other houses and character of Stapley;
- will cause noise and light pollution;
- noise from partygoers late at night already affect local residents;
- it is not near a public road and will generate a significant amount of traffic as there is no public transport serving the village;
- not in classified settlement and falls contrary to Local Plan policies S1, S7, EC7, EC21, EC23 and EN10;
- policy EC24 is not a saved policy and is irrelevant;
- will set a precedent for other chalet development in the area in the future;
- existing occupancy rate is only 48%, so insufficient demand to fill existing cabins and no justification for further development and may not be viable;
- impact of permanent building in the woodland and potential impact on trees;
- proposed lake a potential pollution hazard;
- pollution issues with the swimming pool when it needs emptying and the septic tank;
- design lacks a children's play area, operational storage refuse and recycling and a boiler plant room.
- little benefit to local business;
- much of Stags report based on unsubstantiated claims;
- existing chalets users seldom shop locally, tend to bring their own drink and do not benefit the local community and a property with a pool and games room is encouraging people to stay in not go out;
- increased risk of accidents with drivers unfamiliar with narrow lanes;
- potential impact on emergency services;
- will not reduce need to travel so contrary to CP1 of Core Strategy;
- it does not support viability of Stapley, car trips would be required to get to Churchinford and development could be sited anywhere outside a village in many areas of Taunton Deane.
- construction would be disruptive and does not utilise sustainable or local materials;
- previous policy refusal reasons apply;

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,

PPS 1 SUPP - Planning and Climate Change,  
PPS4 - Planning for Sustainable Economic Growth,  
PPS7 - Sustainable Development in Rural Areas,  
PPS9 - Biodiversity and Geological Conservation,  
PPG13 - Transport,  
PPS25 - Development and Flood Risk,  
GPGT - Good Practice Guide on Planning for Tourism,  
RSSDR - Regional Spatial Strategy for the SW, Draft July 2006,  
STR1 - Sustainable Development,  
STR6 - Development Outside Towns, Rural Centres and Villages,  
S&ENPP1 - S&ENP - Nature Conservation,  
S&ENPP3 - S&ENP - Areas of Outstanding Natural Beauty,  
S&ENPP23 - S&ENP - Tourism Development in the Countryside,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
S7 - TDBCLP - Outside Settlement,  
EC7 - TDBCLP - Rural Employment Proposals,  
EC23 - TDBCLP - Tourist Accommodation,  
M4 - TDBCLP - Residential Parking Provision,  
EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,  
EN10 - TDBCLP - Areas of Outstanding Natural Beauty,  
EN12 - TDBCLP - Landscape Character Areas,  
EN28 - TDBCLP - Development and Flood Risk,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,

## **DETERMINING ISSUES AND CONSIDERATIONS**

There are a number of considerations with this proposal including compliance with various policies, impact on the landscape and character of the area, wildlife impact, sustainability, the need, viability and economic benefits of the proposal. The main issue is the principle of the proposed holiday accommodation being sited in a remote rural location in the sensitive and protected landscape of the AONB.

### Policy

The site is located in the countryside where new development is will be strictly controlled and policy STR6 of the Joint Structure Plan Review and S7 of the Local Plan are relevant. STR6 requires development to be restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. It is not considered that the development would enhance or maintain the rural character of this part of the AONB which is a highly protected landscape under PPS7. While the building is designed not to be seen through the tree planting the access modifications are likely to be noticeable and the new build structure would result in the need for lighting that would impact on the landscape. The development would be reliant on vehicles to access the site and go anywhere to reach any local services, given the remote location and so it would foster the need to travel and these two issues and not considered to be outweighed

by the possible economic benefits identified by the applicant.

Policy S7 of the Local Plan states new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and

- Is for the purposes of agriculture or forestry
- Accords with a specific development plan policy or proposal
- Is necessary to meet a requirement of environmental or other legislation
- Supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement.

New structures or buildings which are permitted should be compatible with a rural location and avoid breaking the skyline, make maximum use of existing screening, relate well to existing buildings and use colours and materials which harmonise with the landscape.

This proposal is not required for agriculture or forestry or for any other specific or environmental reason and it is not considered that the proposal will significantly contribute to the economy of Stapley as there are no facilities and services in this very small hamlet. It is not considered that the potential associated benefits to other rural businesses is sufficient to overcome normal countryside policies. It fails to meet other criteria of this policy as it does not relate to any other building and is considered contrary to Policies S1 and S7 of the Taunton Deane Local Plan (TDLP).

The site is also within the Blackdown Hills AONB where Policy EN10 of TDLP states that priority will be given to preserving and enhancing the natural beauty. This is in line with PPS7 which states that the conservation of the natural beauty of the landscape and the countryside should be given great weight. The section on Tourist accommodation states that the Government expects most tourist accommodation requiring new buildings to be located in, or adjacent to existing towns and villages. Development which would adversely affect the landscape, character and appearance of the AONB's will not be permitted. The development would not meet a proven national need and there is no specific need for the chalet and lake to be located on this site. The proposed building would be free standing on a cleared area of woodland, outside the small hamlet of Stapley in an isolated rural area and unrelated to any other building. It does not relate to the 2 other chalets which are some 300 metres away. It is considered that this large 6-bedroom timber building together with its associated parking area/access would not preserve or enhance the natural beauty of this remote area. While the building materials and landscaping is designed to screen the building from view it is still a large structure (480sqm) with glazing and associated parking that will need lighting. The access alterations will also have a potential impact and the fact that a new build structure is located in a position that can't be seen is not an argument in itself for new development in the countryside as it could be repeated elsewhere to the detriment of locational policy. The proposal is therefore considered contrary to Policy EN10 of the TDLP as it does not preserve and enhance the natural beauty of the AONB.

There are no tourism policies which support proposals for chalets in the countryside as Policy EC24 is not a "saved" policy. Notwithstanding this, given the size, construction and facilities to be provided, it is not considered that the building could be considered to be a chalet for the purposes of EC24 as it is clearly a permanent building. Policy EC21 relates to Tourism and Recreational Attractions, not

accommodation, and requires these to be within settlements. Policy EC23 of the TDLP does relate to tourist accommodation, however this requires it to be within a classified settlement, not to harm the landscape and to be accessible by public transport, cycling and on foot. The proposal is considered to be contrary to this policy.

### Wildlife

The applicant has submitted an ecological survey dated 2010 and a Management Plan dated July 2011. The survey identified the potential for a number of species to use the site and included a recommendation that further survey work is carried out in relation to both reptiles and bats. The survey work is agreed with by the Council's Nature Conservation Officer who recommends conditions to ensure both further survey work and adequate mitigation works are carried out to benefit the area in wildlife terms.

Natural England's response advises under their standing advice that further survey work should be carried out for bats and reptiles and the application should be refused without it. However the Nature Conservation Officer considers that if such survey work were to be carried out it would not prevent appropriate mitigation being provided which could be conditioned. The proposed works would not affect European protected bat species directly with loss of roosts so a licence would not be required and reptiles are not a European protected species and they could be protected by condition. The Habitats Directive would not therefore apply in terms of bats and reptiles. In terms of Dormice it is considered that the favourable conservation status of the species would not be affected and the development would not be contrary to the Habitats Directive. Also if the application is otherwise unacceptable it would be unreasonable to request that further survey work now, although it would be a material consideration for an Inspector should the application be refused and it went to appeal. It is therefore considered that should the application be refused a note be added to address the need for future survey work being a material consideration.

### Economic Benefits

The application included a report by Stags into the assessment of potential demand and contribution to the local economy. This identifies that the marketing of the lodge as per existing lodges are aimed at the quality end of the market which is perceived to be under supplied. The letting agent confirms that they are unable to fulfil demand for the type of booking. It is claimed that there is a need for the development proposed and that the potential occupants are likely to spend over £63,000 per year. The business is identified as one that would be viable and give a projected profit of £44,000 representing a return on capital invested of 17.6%.

The occupancy rate figures for the existing chalets, however is only 48%, although the annual weekend occupancy increases to 75% and it is clear therefore that the occupancy of the existing business has not reached its full potential.

The section on the local economy extrapolates previous analysis for the existing lodges and takes into account additional facilities to be provided to calculate the number of person days likely to result. Figures are then projected on the basis of spend per day from a "Value of Tourism 2008 Report" commissioned by South West

Tourism. The report uses these figures to assume expenditure is higher in self-catering accommodation and identifies a potential benefit to the local economy of £50 per day for weekend guests as opposed to £31 per day for weekly guests. This leads to a conclusion that, excluding accommodation costs, the expenditure by guests would be approximately £84,000 per year.

The above figures are however estimates and are extrapolated and not based on current evidence. Clearly there will be a benefit of spend to the local economy, however the scale of that is difficult to quantify and the question still remains as to whether the perceived economic benefit outweighs the policy consideration in relation to the unsustainable location

### Sustainability

The site of the proposed 'lodge' lies within the open countryside, approximately 3.5km from Churchinford, the nearest defined settlement in the adopted Local Plan. This rural location is within the Blackdown Hills AONB and is not on a public transport route. Not only will all prospective occupants need to travel to the site by vehicle but the servicing of the site by the businesses who have written in support will also need to access the site by car and this includes business as far away as Cullompton and Bristol.

The Government's Best Practice Guide for Tourism states that sustainable development is the core principle underpinning planning and one of the outcomes identified for development is the reduction in the need to travel. This is reflected in policy STR6 of the Joint Structure Plan Review, policy S1(B) of the Taunton Deane Local Plan and policies CP1a, CP6, SP1 and DM2 of the Taunton Deane Core Strategy. The proposal is in a remote rural location not close to a public road or services and would be totally reliant on private vehicles to operate. A recent appeal decision for a holiday chalet at Brimley Plantation, Croford Wiveliscombe was dismissed on sustainability grounds and it is considered that the current proposal is in a similarly remote location.

### Summary

In conclusion while there is a general encouragement for holiday facilities and accommodation, these should be located in sustainable locations, within settlements and not within sensitive landscapes where priority should be given to protecting the environment which attracts visitors. It is not considered that the economic benefits here outweigh the unsustainable nature of the location or the impact of a permanent dwelling within the AONB.

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

**CONTACT OFFICER: Mr G Clifford Tel: 01823 356398**