

## Supplementary Item

**38/18/0165**

**Applicant:** A.P. & S.M. PARRIS & SON

### **Description of Development**

Variation of condition 03 (occupation of annexe by seasonal farm workers) of planning approval 38/11/0687 at Cutcliffe Farm, Sherford.

### Introduction

The above application was recommended for approval and approved by the Chair of Planning Committee on 8 July 2018. The conditional approval was issued on 11 July 2018. A copy of the report and decision are attached in Appendix 1.

However under the Taunton Deane Borough Council Delegated Powers the application should have been reported to Planning Committee for consideration and determination as four submissions and an objection from the Ward Councillor were received during the assessment of the application.

### Update of Report

For clarification, the following submissions were received:

Five representations received objecting to the application on some or all of the following grounds:

- protection of the Vivary Green Wedge
- increase in traffic using Sherford Road
- increased hazard for cyclists and pedestrians
- the units are being let out to hospital workers not just seasonal farm workers

One representation was received from the Ward Councillor, Councillor Berry, making the following comments:

This item was the subject of an earlier dispute in which the planning committee reversed a recommendation by officers.

I wish to record my objection to this proposal. The Vivary Green Wedge needs to be protected and allowing the annexe at this farm to be used for letting to non-agricultural workers (and or non-seasonal workers) would drive a coach and horses through this Council's continuing policy of protecting the green spaces around the town. As well as allowing permanent lets in the green wedge, it would affect traffic by vastly increasing the usage of Sherford Road. This accommodation was built to accommodate seasonal agricultural workers and if this purposes has changed then it should be a full application. Such an application would likely to be refused.

There may of course be a good legal/technical reason for allowing this application to be approved. I do hope not but if there is it should be explained in an open session of the Planning Committee.

### Recommendation

That Planning Committee endorse the recommendation to approve the application.

# Taunton Deane Borough Council

## Planning Officer's Report and Recommendations

**Applicant:** A.P. & S.M. PARRIS & SON

### Description of Development

Variation of condition 03 (occupation of annexe by seasonal farm workers) of planning approval 38/11/0687 at Cutliffe Farm, Sherford.

### Recommendation

**Recommended decision: Approval**

### Recommended Conditions (if applicable)

1. Within one month of the date of this approval, details of the date of commencement of the use shall be submitted to the Council. The use hereby permitted shall be discontinued within three years of the date of its commencement.

Reason: The use of the building for non-agricultural workers will need to be reassessed in terms of the ongoing agricultural need.

2. The use of the accommodation for non-agricultural workers shall be limited to between February and July each year.

Reason: The use for non-agricultural workers would require further assessment.

### 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 and has imposed planning conditions to enable the grant of planning permission.

### Proposal

The application, submitted in retrospect, proposes the amendment of condition 3 attached to approval 38/11/0687 from:

'The occupation of the extension hereby permitted shall be limited to seasonal workers solely or mainly working at Cutliffe Farm' to 'For a period of three years the premises may be let to non-seasonal agricultural workers when not required for agricultural workers accommodation'. The applicant has clarified that the condition is required to be amended to allow the use of the accommodation for non-agricultural workers outside of the season when the accommodation will still be required for agricultural workers. The use is proposed for a temporary period of two to three years.

The applicant has also confirmed that the potato harvesting and grading season begins in August and ends in January with seasonal variations.

## **Site Description**

Cutliffe Farm is situated in the countryside, just outside of Taunton and accessed from Sherford Road and Mountfields Road. The site is a well established farmyard consisting of a large number of buildings, mainly modern with some of traditional style. Various permissions have been granted in recent years for new farm buildings. A network of public footpaths pass in close proximity to the farm, but do not pass through the farmyard itself. The site lies within the Vivary Green Wedge and outside the defined settlement boundary.

The farmhouse is Grade II listed and the traditional stone and slate building to the north-west of the farmhouse is curtilage listed. This building provides toilet and wash facilities, lounge and kitchen on the ground floor with sleeping accommodation comprising ten bedrooms above.

## **Relevant Planning History**

38/11/0687 - Erection of annexe to accommodation block to accommodate seasonal farmworkers - Approved - 14 March 2012

38/12/0229/LB - Erection of residential annexe to provide seasonal farmworkers accommodation - Approved - 23 July 2012

38/16/0227 - Change of use of land from siting of agricultural workers accommodation to siting of holiday accommodation - Refused and dismissed on appeal

## **Consultation Responses**

*SCC - TRANSPORT DEVELOPMENT GROUP* - Standing advice applies

*SCC - RIGHTS OF WAY* - No comments received

*ENVIRONMENT AGENCY* - No comments received

*WESSEX WATER* - No objection

## **Representations Received**

Five representations received objecting to the application on some or all of the following grounds:

- protection of the Vivary Green Wedge
- increase in traffic using Sherford Road
- increased hazard for cyclists and pedestrians

## **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.

DM1 - General requirements,  
DM2 - Development in the countryside,  
SP1 - Sustainable development locations,  
SB1 - Settlement Boundaries,  
CP8 - Environment,

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

### **Community Infrastructure Levy**

Not applicable

## **Determining issues and considerations**

The existing building is limited by condition for the use by agricultural workers working at Cutcliffe Farm.

In support of the application, the applicants agent has stated that the agricultural workers are not required to use the approved accommodation year round and there is a demand for student doctors to secure short term accommodation.

The site is located within an area of open countryside where the formation of new residential development is strictly controlled.

Policy SP1 requires that development is in sustainable locations. Residential development outside the defined settlements is considered to be in the open countryside.

The site lies outside a defined settlement boundary where policy DM2 sets out the types of development. The re-use of existing buildings requires a sequential approach and only in exceptional circumstances would the conversion to residential use for the open market be permitted. No information has been submitted with the application to demonstrate that the sequential approach has been followed.

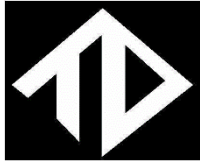
However, given that the use would be retained for seasonal workers for at least six months of the year, and would be used for open market purposes when not needed for the approved use and for a temporary period of two to three years, the use for non-agricultural workers would have no greater harm on the green wedge and the wider countryside.

No changes are proposed to the existing access and parking arrangements. It is considered there is sufficient space within the ownership to accommodate parking.

The proposal is considered acceptable subject to conditions limiting its use and approval is recommended.

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

**Contact Officer: Denise Grandfield**



**TAUNTON  
DEANE**  
BOROUGH  
COUNCIL

**PLANNING & ENVIRONMENT**

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**TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)**

**Application No: 38/18/0165**  
**Proposal: Variation of condition 03 (occupation of annexe by seasonal farm workers) of planning approval 38/11/0687 at Cutliffe Farm, Sherford.**

Application Type: Removal or Variation of Condition(s)  
Grid Reference: 322911.122986

Taunton Deane Borough Council under the above Act hereby GRANT PERMISSION for the above development.

The development must be carried out in accordance with the application and accompanying plan(s) submitted to the Council:

- 1 Within one month of the date of this approval, details of the date of commencement of the use shall be submitted to the Council. The use hereby permitted shall be discontinued within three years of the date of its commencement.


Reason: The use of the building for non-agricultural workers will need to be reassessed in terms of the ongoing agricultural need.

- 2 The use of the accommodation for non-agricultural workers shall be limited to between February and July each year.

Reason: The use for non-agricultural workers would require further assessment given the location and access.

**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 and has imposed planning conditions to enable the grant of planning permission.

T. R. 

**ASSISTANT DIRECTOR, PLANNING & ENVIRONMENT**

Date: 11 July 2018

N.B. Notes of the applicant's rights are overleaf.

## NOTES

(1) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so **within 6 months of the date of this notice**. Appeals can be made online at <https://www.gov.uk/planning-inspectorate> If you are unable to access the online appeal form please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000 The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within six months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

(2) If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

(3) In certain circumstances, a claim may be made against the Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act, 1990.

(4) Having regard to the powers of the Highway Authority under the Highways Act, 1980, you should consult the Planning Liaison Officer, County Highways, Somerset County Council, County Hall, Taunton, TA1 4DY (Telephone: 0845 345 9155) in respect of a proposal within or immediately adjacent to a public highway (e.g. footpath and margin crossings, piping of ditches, construction of waiting bays etc.).

(5) This permission does not authorize you to stop up or divert a public right of way in order to enable the development permitted to be carried out. Separate legal steps are necessary for this, and, if required, further information can be obtained from the Diversion Order Office The Deane House, Belvedere Road, Taunton, TA1 1HE (Telephone 01823 356300).

(6) You are advised to investigate the possible existence of apparatus of Statutory Undertakers before commencing the development.

(7) In the case of development which will result in (1) buildings or premises to which the public are to be admitted whether on payment or otherwise, or (2) office premises, shop premises and railway premises to which the Office, Shops and Railway Premises Act, 1968, applies; premises which are deemed to be such premises for the purpose of that Act, or factories as defined by Section 175 of the Factories Act, 1961: being premises in which persons are employed to work, attention is drawn to Sections 4 and 7 of the Chronically Sick and Disabled Persons Act, 1970, in connection with (1) and to Sections 8 and 8A of that Act and the Code of Practice for Access for the Disabled to Building (i.e. British Standards Institution Code of Practice referred to as BS 5410:1971) in connection with (2).

(8) In the case of development which will result in the provision of a building intended for the purposes of (1) a university, university college or college or a school or of a school or hall of a university; or (2) a school within the meaning of the Education Act, 1944, a teacher training college maintained by a Local Education Authority in England or Wales or any other institution providing further education pursuant to a scheme under Section 42 of that Act, attention is drawn to Sections 7 and 8 of the Chronically Sick and Disabled Persons Act, 1970, and Design Note 18 "Access for the Physically Disabled to Educational Buildings", published on behalf of the Secretary of State for the Environment.

(9) This decision notice Certificate does not purport to convey any approval or consent which may be required by any byelaw, order, regulation or any enactment other than the Town and Country Planning Act, 1990. In particular it may be necessary to submit an application for approval under the Building Regulations, advice on which may be obtained from the Building Control Officer, The Deane House, Belvedere Road, Taunton. (Telephone: 01823 356470).