

SWT Planning Committee

Thursday, 10th December, 2020,
1.00 pm



Somerset West
and Taunton

[SWT VIRTUAL MEETING WEBCAST LINK](#)

Members: Simon Coles (Chair), Marcia Hill (Vice-Chair), Ian Aldridge, Mark Blaker, Dixie Darch, Roger Habgood, Mark Lithgow, Chris Morgan, Craig Palmer, Andrew Sully, Ray Tully, Brenda Weston and Loretta Whetlor

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous meeting of the Planning Committee

To approve the minutes of the previous meeting of the Committee on the 19 November 2020.

3. Declarations of Interest or Lobbying

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests or lobbying in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

4. Public Participation

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have requested to speak, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

(Pages 5 - 14)

Temporary measures during the Coronavirus Pandemic

Due to the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will holding meetings in a virtual manner which will be live webcast on our website. Members of the public will still be able to register to speak and ask questions, which will then be read out by the Governance and Democracy Case Manager during Public Question Time and will either be answered by the Chair of the Committee, or the relevant Portfolio Holder, or be followed up with a written response.

5. **3/05/20/001** (Pages 15 - 28)
Application for outline planning permission with some matters reserved (except for access) for the erection of 5 No. dwellings at Land off, Withycombe Lane, Carhampton, TA24 6RF
6. **3/26/20/004** (Pages 29 - 50)
Erection of 9 No. dwellings with associated works including drainage, landscaping and highway works at Field adjacent to Station Road, Washford
7. **3/39/20/014** (Pages 51 - 56)
Erection of first floor extension over garage and associated alterations at 3 Dovetons Drive, Williton, Taunton, TA4 4ST
8. **Latest appeals and decisions received** (Pages 57 - 78)
9. **Planning Performance Reports - For Information Only** (Pages 79 - 80)
This paper provides the performance information for the planning department's key indicators for the second quarter (August - November) of the 2020/21 financial year. **This is for information only.**



**JAMES HASSETT
CHIEF EXECUTIVE**

Please note that this meeting will be recorded. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you are advised otherwise, by taking part in the Council Meeting during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact the officer as detailed above.

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If you would like to ask a question or speak at a meeting, you will need to submit your request to a member of the Governance Team in advance of the meeting. You can request to speak at a Council meeting by emailing your full name, the agenda item and your question to the Governance Team using governance@somersetwestandtaunton.gov.uk

Any requests need to be received by 4pm on the day that provides 2 clear working days before the meeting (excluding the day of the meeting itself). For example, if the meeting is due to take place on a Tuesday, requests need to be received by 4pm on the Thursday prior to the meeting.

The Governance and Democracy Case Manager will take the details of your question or speech and will distribute them to the Committee prior to the meeting. The Chair will then invite you to speak at the beginning of the meeting under the agenda item Public Question Time, but speaking is limited to three minutes per person in an overall period of 15 minutes and you can only speak to the Committee once. If there are a group of people attending to speak about a particular item then a representative should be chosen to speak on behalf of the group.

Please see below for Temporary Measures during Coronavirus Pandemic and the changes we are making to public participation:-

Due to the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will holding meetings in a virtual manner which will be live webcast on our website. Members of the public will still be able to register to speak and ask questions, which will then be read out by the Governance and Democracy Case Manager during Public Question Time and will be answered by the Portfolio Holder or followed up with a written response.

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For further information about the meeting, please contact the Governance and Democracy Team via email: governance@somersetwestandtaunton.gov.uk

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SWT Planning Committee - 19 November 2020 held via Zoom Video Conference

Present: Councillor Simon Coles (Chair)

Councillors Marcia Hill, Ian Aldridge, Mark Blaker, Ed Firmin, Roger Habgood, Mark Lithgow, Chris Morgan, Craig Palmer, Andrew Sully, Ray Tully, Brenda Weston and Loretta Whetlor

Officers: Rebecca Miller (Principal Planning Specialist), Martin Evans (Shape Legal Partnership), Abigail James (Planning Specialist), Alex Lawrey (Planning Specialist), Michael Hicks (Planning Specialist), Denise Todd (Planning Specialist), Anna-Mari Gaulliot (Planning) and Tracey Meadows (Democracy and Governance)

Also Present: Councillors Buller and Stone

(The meeting commenced at 1.15 pm)

95. **Apologies**

Apologies were received from Councillor Dixie Darch

96. **Minutes of the previous meeting of the Planning Committee**

(Minutes of the meeting of the Planning Committee held on 8 October 2020 circulated with the agenda)

Resolved that the minutes of the Planning Committee held on the 8 October 2020 be confirmed as a correct record.

Proposed by Councillor Hill, seconded by Councillor Coles

The **Motion** was carried.

97. **Declarations of Interest or Lobbying**

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Application No.	Description of Interest	Reason	Action Taken
Cllr M Blaker	01/20/0007 20/20/0011 36/19/0032 36/19/0033 36/19/0034 36/19/0035	Ward Member Correspondence received.	Personal	Spoke and Voted
Cllr S Coles	20/20/0011	Correspondence	Personal	Spoke and Voted

	36/19/0032 36/19/0033 36/19/0034 36/19/0035	received.		
Cllr R Habgood	20/20/0011 36/19/0032 36/19/0033 36/19/0034 36/19/0035	Correspondence received.	Personal	Spoke and Voted
Cllr Mrs Hill	20/20/0011 36/19/0032 36/19/0033 36/19/0034 36/19/0035	Correspondence received.	Personal	Spoke and Voted
Cllr M Lithgow	20/20/0011 36/19/0032 36/19/0033 36/19/0034 36/19/0035	Correspondence received.	Personal	Spoke and Voted
Cllr C Morgan	20/20/0011 36/19/0032 36/19/0033 36/19/0034 36/19/0035	Correspondence received.	Personal	Spoke and Voted
Cllr C Palmer	20/20/0011 36/19/0032 36/19/0033 36/19/0034 36/19/0035	Correspondence received.	Personal	Spoke and Voted
Cllr A Sully	20/20/0011 36/19/0032 36/19/0033 36/19/0034 36/19/0035	Correspondence received.	Personal	Spoke and Voted
Cllr R Tully	20/20/0011 36/19/0032 36/19/0033 36/19/0034 36/19/0035	Correspondence received.	Personal	Spoke and Voted
Cllr B Weston	20/20/0011 36/19/0032 36/19/0033 36/19/0034 36/19/0035	Correspondence received.	Personal	Spoke and Voted
Cllr L Whetlor	20/20/0011 36/19/0032 36/19/0033 36/19/0034 36/19/0035	Correspondence received.	Personal	Spoke and Voted

98. **Public Participation**

Application No.	Name	Position	Stance
01/20/0007	Ashbrittle PC Guy Wilson	Stags	Opposed Support
10/20/0002	Cllr K Pearson Cllr R Henley	Churchstanton PC Ward Member	Opposed Opposed
14/20/0016	Mr Griffin	Local resident	Opposed
14/20/0017	Mr Griffin	Local resident	Opposed
20/20/0011	Mr R Williams Mr and Mrs Cashmore	Local resident Local resident	Opposed Opposed
36/19/0032 36/19/0033 36/19/0034 36/19/0035	Mr and Mrs Walker – Local resident (opposed) Mr Goddard – Local resident (opposed) Ms Hinsley – Local resident (opposed) Ms Crabbe – Local resident (opposed) Ms Hembrow – Local resident (opposed) Mr Hayton – Synergy Farm Health (support) Mr Joll – Local resident (support) Ms Holder – Local resident (support) GTH on behalf of applicant (support) Stoke St Gregory PC		

99. **01/20/0007**

Formation of access track at Normans Farm, Pockeridge Bottom Road, Ashbrittle

Comments made by members of the public included;

- As far as the Parish Council were aware, there was no agricultural imperative for the application , as since the death of the owner, the land had been let for sheet grazing;
- There was concern of run off from the proposed new access track, which lead straight down onto the road, which already problems with drainage and debris;
- Construction of the proposed track would improve farm efficiency and safety by removing the need for large agricultural vehicles to negotiate a narrow 'pinch point' within the existing yard;
- Improves visibility;
- No increased vehicle movement;
- The development would have a negligible impact on the character of the surrounding landscape;
- The development would only affect a small area of land;
- The grassland was not defined as species rich or semi-natural;

- The land is regularly cultivated both mechanically and chemically;
- The land holds considerably less ecological value as a habitat, than mature hedgerows or woodland;

Comments made by members included;

- Concerns with the hedgerow would be maintained;
- Concerns with the entrance onto the Highway;

Councillor Sully proposed and Councillor Hill seconded a motion for Conditional Approval to be **APPROVED** with a condition for 'The existing hedgerow to the East of the allowed access track shall be permanently retained and maintained to the satisfaction of the LPA as agreed in writing prior to commencement of development and maintained at all times thereafter'.

The motion was carried.

100. **10/20/0002**

Variation of Condition No. 05 of application 10/16/0028 to vary the wording to include 15 breeding bitches, 3 stud dogs and puppies at Fairfield Stables, Moor Lane, Churchinford

Comments made by members of the public included;

- Concerns that there were more homes within the hearing distance of the dogs barking than the two mentioned in the planning application;
- Concerns with the Public Right of Way that go past the site and was well used by villagers;
- Concerns with the number of dogs on site;
- Concerns that this was a creeping development;
- Concerns with the location of the dogs on site;

Comments made by members included;

- Concerns that this was a creeping development;
- Concerns with the mobile home onsite;
- Concerns with noise of the dogs in the AONB;
- Concerns with the number of dogs on the site;
- Good purpose built kennels on site;

Councillor Sully proposed and Councillor Hill seconded a motion for Conditional Approval to be **APPROVED**

The motion **FAILED**

Councillor Habgood proposed and Councillor Weston seconded a motion for the application to be **REFUSED**.

Reasons - The committee was not satisfied that the addition of 3 stud dogs in addition to the 15 breeding bitches and puppies allowed by the previous inspector will not result in unacceptable noise which will adversely affect the tranquillity of the ANOB and impact on residential amenity.

The motion was carried.

At this point in the meeting a 5 minute break was taken and Cllr Morgan left the meeting.

101. **14/20/0016**

Variation of Condition No. 03 (allow the commercial sale of birds of prey) of application 14/19/0022 on land opposite Broomhay, White Street, Ham

Comment made by member of the public included;

- Concerns with noise nuisance on site;
- Lack of detail within the applications on various matters such as highways, vehicular movements, hours of operation, predicted bird numbers, alterations to buildings etc;
- Concerns that the site was visible from the road;
- The principle of the site was being used for private not for commercial gain;

Comments made by members included;

- Concerns with Birds of Prey being sold;
- Concerns that this was a retrospective application;
- The site was well screen and had no impact on the surrounding neighbours;

Councillor Tully proposed and Councillor Hill seconded a motion for Conditional Approved to be **APPROVED** with an amendment to Condition 1.

Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from April 2020. Reason: To comply with Section 73A of the Town and Country Planning Act 1990.

The motion was carried.

102. **14/20/0017**

Variation of Condition No. 05 and No. 06 (to allow for the sale of birds of prey and to remove the restriction of the number of birds allowed to be kept) of application 14/16/0022 on land opposite Broomhay, White Street, Ham

Applications **14/20/0016** and **14/20/0017** were taken together and voted on separately.

Councillor Hill proposed and Councillor Coles seconded a motion for the Conditional Approval to be **APPROVED** Subject to the amended wording of condition 01 to read;

Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from August 2016.

The motion was carried.

103. **20/20/0011**

Change of use of land from agricultural to domestic including erection of wall and additional patio slabs at Ilbeare, Cattlewash, Fitzroy Road, Norton Fitzwarren (retention of works already undertaken)

Comments made by members of the public included;

- Concerns with the effect of the intimidating nine large dogs on the Public Right of Way;
- Concerns that the dogs escaped into the local community;
- The proposal was cosmetic and inadequate;
- The existing proposal would not provide a secure dog-proof enclosure;
- Concerns that the building area had increased by 6-7 times despite the land being Grade 2 agricultural land;
- The dogs need to be secured on the right hand side of the field behind a solid 2m fence or wall that they cannot see through;

Comments made by members included;

- Safety concerns with the size of the fence;
- Concerns with the size of the dogs;
- Concerns with the change of use from agricultural to domestic;

At this point in the meeting a 30 minute extension was approved.

- Concerns regarding the site for business proposes;

- That the stock fences surrounding and within the property be made and maintained as dog proof;
- That the walls shown on the applicant's 'Proposed Revised Plan' be increased;

At this point in the meeting a 10 minute break and a 30 minute extension was approved.

Councillor Hill proposed and Councillor Firmin seconded a motion for Conditional Approval to be **APPROVED**.

The motion **FAILED**

Councillor Habgood proposed and Councillor Weston seconded a motion for the application to be **REFUSED**

Reasons

- 1.The proposal would unacceptably harm the character and appearance of the landscape, contrary to Policy DM1 (d) of Taunton Deane Borough Council Adopted Core Strategy 2011-2028;
- 2.The proposal is considered contrary to Policy CP8 of the Taunton Deane Borough Council Adopted Core Strategy 2011-2028 by virtue of its failure to conserve, protect or enhance the natural landscape;

The motion was carried.

At this point in the meeting a 30 minute extension was approved.

104. **36/19/0032**

Erection of an agricultural building for the housing of livestock at Lower Huntham Farm, Huntham Lane, Stoke St Gregory (resubmission of 36/19/0010) (retention of part works already undertaken)

Applications **36/19/0032, 36/19/0033, 36/19/0034, 36/19/0035** were presented together and voted on separately.

Comments by members of the public included;

- Concerns that the building would change if permission were granted;
- Concerns with the environmental impact on neighbouring properties;
- Concerns with the size and prominence of the building;
- The scale of the building was not proportional to the area and effects the local residents of North Curry and Stoke St Gregory;
- Concerns with additional vehicle movements;
- Concerns with recent documentation from Natural England regarding Dutch-E and Phosphates issues;

- Concerns with the industrial type farming that is impacting on the neighbourhood;
- Concerns that restrictions on numbers of cattle would be difficult;
- Concerns with mud and slurry on the road;
- Concerns with impact upon the SSSI;
- The current housing is not suitable due to poor ventilation and is difficult to cleanse and disinfect leading to bovine respiratory disease;
- It would be an advantage to move the heifers to Knapp Farm as this would allow the heifers to be released directly onto grazing land in West Sedgemoor rather than being transported from Knapp Farm;
- The development would improve the health and welfare and profitability of the overall farm;
- No increased stock numbers;
- There will be no need for new slurry and farmyard manure storage facilities at either unit;
- The farm is kept clean, tidy and maintained to a high standard;
- Stoke St Gregory and surrounding village were fortunate that the land had continued to be used by the Gothard family, otherwise the farmland and hedgerows would have become neglected, resulting in the land becoming choked with bramble, weeds and uncut hedges rather than the beautiful landscape we all delight in. or been sold for redevelopment;
- Slough Court is an example for the future of the dairy industry;

Councillor Hassel left the meeting for this debate.

Comments made by members included;

- Concerns with phosphate issues;

At this point in the meeting a 30 minutes extension was approved.

- Concerns with the breach of conditions;
- Concerns with the dominance of the building over the surrounding area;
- Concerns with impact upon the SSSI and HRA matters;
- Landscape impacts;
- Increased traffic issues;
- Concerns with the herd size;

Councillor Hill proposed and Councillor Firmin seconded a motion for the Conditional Approval to be **APPROVED**

The motion was carried.

105. **36/19/0033**

Erection of an agricultural building for the housing of livestock at Lower Huntham Farm, Huntham Lane, Stoke St Gregory (resubmission of 36/19/0009) (retention of part works already undertaken)

Councillor Hill proposed and Councillor Firmin seconded a motion for Conditional Approval be **APPROVED**

The motion was carried.

106. **36/19/0034**

Erection of an agricultural storage building at Lower Huntham Farm, Huntham Lane, Stoke St Gregory (amended scheme to 36/18/0017) (retention of part works already undertaken)

Councillor Hill proposed and Councillor seconded a motion for Conditional Approval to be **APPROVED**

The motion was carried.

107. **36/19/0035**

Erection of an agricultural storage building at Lower Huntham Farm, Huntham Lane, Stoke St Gregory (resubmission of 36/18/0016) (retention of part works already undertaken)

Councillor Hill proposed and Councillor Firmin seconded a motion for Conditional Approval to be **APPROVED**

The motion was carried.

108. **Latest appeals and decisions received**

Appeals and decision noted.

(The Meeting ended at 7.25 pm)

Application No:	3/05/20/001
Parish	Carhampton
Application Type	Outline Planning Permission
Case Officer:	Abigail James
Grid Ref	
Applicant	Mr R Sherrin
Proposal	Application for outline planning permission with some matters reserved (except for access) for the erection of 5 No. dwellings
Location	Land off, Withycombe Lane, Carhampton, TA24 6RF

Recommendation

Recommended decision: Awaiting s106 Signing

Recommended Conditions

- 1 Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of two years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DRNO 1933/101 EXIST SITE LAYOUT PLANS

(A1) DRNO 1933/102 EXISTING STERET ELEVATIONS

(A1) DRNO 1933/201 PROPOSED SITE LAYOUT

(A1) DRNO 1933/202 PROPOSED SITREET ELEVATIONS

(A3) DRNO 1933/100 EXISTING SITE PLANS

(A3) DRNO 1933/200 PROPOSED SITE PLANS

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to first occupation of each individual dwelling hereby permitted, access to a covered electric vehicle charging point to serve that dwelling shall be made available. These shall be provided within the garages (or through shared charge points) in accordance with a detailed scheme which shall have previously been submitted to and approved in writing by the Local Planning Authority and thereafter retained.

Reason: In the interest of highway safety and residential amenity.

- 4 No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
- Construction vehicle movements
 - Construction operation hours
 - Construction vehicular routes to and from site including any temporary construction access points and haul roads required. This information should also be shown on a map of the route
 - Construction delivery hours
 - All construction deliveries being made off highway
 - On-site turning facility for delivery vehicles and egress onto highway only with guidance of a trained banksman
 - Expected number of construction vehicles per day
 - All contractor vehicle parking being accommodated off highway including a plan showing the onsite parking arrangements
 - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice
 - A scheme to encourage the use of Public Transport amongst contractors
 - On-site vehicle wheel washing facilities and the regular use of a road sweeper for local highways

Reason: In the interests of highway amenity.

- 5 The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 1933/201B, and shall be available for use before first occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interest of highway amenity.

- 6 The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway amenity.

- 7 Provision shall be made within the site for the disposal of surface water so as to

prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation and thereafter maintained at all times.

Reason: In the interests of highway safety and water management at the site.

- 8 The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

NOTE: If it is not possible to construct the estate road to a standard suitable for adoption, yet it is deemed the internal layout of the site results in the laying out of a private street, under Sections 219 to 225 of the Highway Act 1980, it will be subject to the Advance Payment Code (APC). In order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code. A suitable adoptable layout should be provided as part of the Reserved Matters application.

Reason: In the interests of highway safety and amenity.

- 9 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that there is a satisfactory access to the dwellings.

- 10 The Development hereby permitted shall not be occupied until the parking spaces for the dwelling and a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure that access is not compromised.

- 11 There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 25 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is

brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

- 12 Prior to first occupation of any dwelling, a “lighting design for bats” shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the ‘Favourable Conservation Status’ of populations of European protected species and in accordance with policy NH6 of the West Somerset Local Plan

- 13 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds’ nests immediately before the vegetation is cleared and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with policy NH6 of the West Somerset Local Plan

- 14 Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand under the supervision of an experienced ecologist, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. Any features such as rubble piles which potentially afford resting places for reptiles will be dismantled by hand by the ecologist and any individuals found translocated. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

Reason: In the interests of UK protected species and in accordance with policy NH6 of the West Somerset Local Plan

- 15 The following will be integrated into buildings or otherwise provided:
a) A Habitat 001 bat box or similar will be built into the structure

- at least four metres above ground level and away from windows of the west elevation on one plot
- b) A cluster of five Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level and away from windows on the north elevation of one plot
 - c) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevation of one plot
 - d) A bee brick built into the wall about 1 metre above ground level on the east elevation of the dwelling on three plots

Plans showing the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to construction above ground level

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

Informative notes to applicant

1 Are existing public sewers or water mains affected by the proposals?

According to our records there are no recorded public sewers or water mains within the red line boundary of the development site. Please refer to the notes on the attached map for advice on what to do if an uncharted pipe is located.

The surface water strategy

One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution.

You have indicated that surface water will be disposed of via soakaway. The planning authority will need to be satisfied that soakaways will work and arrangements are clear for any shared obligations. Soakaways will be subject to Building Regulations. The use of soakaways currently attracts a discount in the sewerage infrastructure charge, proof of arrangements will be required when applying for foul sewerage connection.

There must be no surface water connections into the foul sewer network.

- 2 In accordance with paragraph 38 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

Outline planning permission with some matters reserved (except for access) for the erection of 5 No. dwellings.

Site Description

The application site is a parcel of agricultural land located south of the A39, east of Hill Lane and north of Withycombe Lane in Carhampton. To the west is residential development, and to the south and east of the site lies further agricultural land.

The application site has a total area of 3400sqm. It is located and accessed from Hill Lane. The site has a concrete drive with metal field gates and contains a flat roof, unfinished blockwork structure.

Relevant Planning History

3/05/17/016 - Outline application with all matters reserved except for means of access for the erection of 5 dwellings and associated works. Refused on 30/1/18. An appeal was allowed on 31 May 2018. **The inspector considered that the development would not generate an unacceptable level of highway risk and subject to a condition concerning attenuation the development would not be at an increased risk of surface water flooding nor would it increase the risk to adjoining properties or to the road.**

3/05/18/009 - Outline planning permission with some matters reserved, except for access, for the erection of 3 dwellings. Granted on 23/07/19.

Consultation Responses

Carhampton Parish Council – Firstly points out potential the inaccuracies in the application form:

Q6 The agent states the current use of the land is 'agricultural land'.

Q6 - the agent states that there is no suspicion of land contamination.

Q10 the agent states that he does not know how foul sewage is to be disposed of when the site is adjacent to a main highway.

Q11 the agent states that the site is not within 20 metres of a watercourse and that surface water disposal through soakaway will not increase the flood risk elsewhere.

Q12 the agent states that trees and shrubs are on the site. The application also indicates that a footpath will be provided along the east side of

Withycombe Lane from the A39 to the development site. This will involve removing the existing mature hedge.

Q15 the agent is unable to say how many bedrooms each of the proposed dwellings will have but that they will all be for open market sale.

Q16 the agent states that there will be no loss on non-residential floorspace.

Q17 whilst it is obvious that no employees are on this site for more than a few

minutes at any one time, given the nature of the current use, it is incorrect of the agent to state that there are none.

All Members are agreed that this application should be objected to on the following grounds:

- Highways
- Nature, biodiversity or trees the destruction of mature trees
- Drainage
- Account must be taken of the sewage generated by the approved development south of this site along Withycombe Lane (Garlands 3/05/17/016 and 3/05/18/006) to ensure a complete picture of the effect on the village is established.

Wessex Water Authority – no objections- advice to be added as informative.

Highways Development Control - It is noted that part of their proposal is to create a 1.8m footway linking to the bus stop on the A39, which involves cutting back a bank and installing a reinforced earth retaining structure.

This will be a Category 0 structure to CG300. An AIP will not be required but a design and check certificate will which shall contain the information set out in Appendix I if CG300 plus a copy of the calculations including the design assumptions, surcharge loads (10kN/m² min), soil parameters, allowance for overdig in front of the wall and protection from falling material.

All works within or adjacent to the highway will also require an agreement under s278 Highways Act 1980. If the access road is to be offered for adoption a separate agreement will also be required under s38 Highways Act 1980.

In the event of permission being granted, conditions have been recommended.

SCC - Ecologist - The application site is not hydrologically connected to the Somerset Levels and Moors Ramsar or in a Bat Consultation Zone. Should planning permission be granted, a number of conditions are required.

Habitats Regulations Assessment

Not required.

Representations Received

4 objections were received which raised concerns regarding:

- Traffic
- Flooding
- Soak away not efficient
- Ecology
- Need for housing
- Type of housing
- Precedent
- Noise and light pollution
- Existing building on site

- Character
- Lack of highways compliant footpath

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 the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
SC4	Affordable Housing
SV1	Development at primary and secondary villages
ID1	Infrastructure delivery
NH1	Historic Environment
NH13	Securing high standards of design
TR2	Reducing reliance on the private car
CC6	Water Management

Determining issues and considerations

Principle of development

Carhampton is a 'Primary Village' where policies SD1, SV1 and SC1 are applicable. Policy SD1, advises that there should be a presumption in favour of sustainable development and that proposals should be considered on economic, social historic and natural environmental conditions in the area. The proposed development will contribute to the settlement and the wider area.

Policy SV1, advises that development in primary and secondary villages should be designed to form an integral, harmonious addition to the settlements character and to help maintain or enhance their existing level of service provision and also help to create balanced communities at a level appropriate to their role and function. It is considered that the addition of these five dwellings are a harmonious addition to Carhampton which reflect the existing character of the area and which will enhance service provision by contributing to the village in terms of economic and social roles.

Policy SC1 guides that limited development in such areas could be considered, so long as the development would contribute to the wider sustainable benefits of the area, it must be within or in close proximity to contiguous built up area, and it must demonstrate the following;

a) It is well related to existing essential services and social facilities:- The site is within walking distance of the village hall, a pub and small shop via existing pavements down to the centre of Carhampton and the local facilities of a Post Office, Village Hall and Public House.

b) There must be safe and easy pedestrian access to services and social facilities:- Hill Lane, does not have a designated pavement/footpath, however part of the proposal is to create a 1.8 metre footpath linking to the bus stop on the A39, which will create a safe route to the pavement leading to local amenities.

c) Development respects the historic environment and complements the character of the existing settlement:- It is considered that the proposed detached dwellings could be designed to be in keeping with built development in the area which comprises of a mix of both semi-detached and terraced two storey housing in the area.

d) Development does not generate significant additional traffic movements over minor roads to and from National Primary and County Highway network:- An increase of vehicle movements on Hill Lane is inevitable and this is discussed further in the report. Access is proposed via an existing access point currently serving the field.

e) The development does not harm the amenity of the area and of adjoining land uses:- This application is for Outline permission and the submitted indicative layout of the five new dwellings would be an extension in close proximity (50m) to the contiguous built-up area of Carhampton which is classed as a Primary Village in the new local plan.

The definitions to policy SC1 makes clear that "limited development" in the context of Primary Villages means individual schemes of up to ten dwellings providing about a 10% increase in a settlements total dwelling numbers during the local plan period (to a maximum of 30% in any 5 year period). This proposal is for 5 dwellings and so fits well within the definition of this policy requirement.

For all of these reasons, the proposal is not contrary to the policy requirements of the West Somerset Local Plan. Therefore the proposal is acceptable in principle.

Impacts on the character and appearance of the area

This proposal is on partially undeveloped agricultural land which appears to be used as a dumping ground. There is a small block building on the site. The surrounding local vernacular consists of mostly bungalows. The indicative design suggests the 5 dwellings would be chalet type which would be consistent with the other dwelling styles in the vicinity.

At this stage only the principle of development and the access to the site is being considered. Design, landscaping, scale and layout are all Reserved Matters to be determined at a later stage.

Flooding and drainage

The site is identified on the Environment Agency website as being located in Flood Risk Zone 1. This is the lowest flood risk area and is defined as being land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (that is less than 0.1%).

The site is located within flood zone 1 and is designated as having an extremely low risk of flooding by the Environment Agency, and therefore a Flood Risk Assessment is not required.

Inspector's consideration of the site know as Garlands (ref 3/05/17/016), located south of the subject site concluded they saw no reason why the site could not be developed without increasing flood risk on the site or adjoining areas.

Comments returned from Wessex Water are noted, and an informative note is added to draw them to the applicant's attention.

A condition recommended by Highways would be added in regards to the provision of surface water to prevent discharge onto the highway.

Highways

The Highway Authority does not raise an objection to the principle of developing five dwellings on the site and that the indicative layout does seem to provide sufficient parking and turning for vehicles.

It is proposed to improve the visibility to the north and south by cutting back the existing hedge and reforming the existing grass bank. To the south of the access it is proposed to erect a low level stone retaining wall to accommodate the change in ground levels.

The Parish Council have drawn attention to the hedgerow. It is unlikely that cutting back of a section of hedgerow would require planning permission. If the hedgerow is protected the applicant would be required to submit a notification to the Council.

The Planning Inspector for appeal decision at Garlands (3/05/17/016), which adjoins the same road, considered that that the development did not conflict with local policies SC1 (4D) and TR2 with regard to an increase in traffic movements over a minor road and would not generate an unacceptable level of highway risk.

The proposal is therefore recommended for approval on highways grounds, subject to conditions as suggested by the Highway Authority, which are appended to the

decision.

Landscaping

The indicative layout appears to accord with local policies NH5 and NH13 of the West Somerset Local Plan to 2032. It is considered that further future information would fully consider the impacts on the site and the wider area.

Design, landscaping, scale and layout are all Reserved Matters to be determined at a later stage.

Planning Obligations

As only 5 dwellings are proposed, off site contributions are not required as noted in the NPPF and as such a contribution as outlined in Policy SC4 can not be requested.

Recreation/community infrastructure contributions can however be required as outlined in guidance contained within Policy ID1: Infrastructure Delivery of the local plan, and also via adopted Council policy (Planning Obligations SPD, 2009). These are based on a contribution of £2,000 - £5,000 per dwelling, starting at the upper end of the range, depending on evidence being provided on the viability of the scheme and the level of contribution that can be paid. This should be provided for 2 or more dwellings in Carhampton. The Agent has indicated that the applicant would provide a unilateral agreement of £5,000 per dwelling and as such is in accordance with the Council's SPD and policy ID1.

Conclusion

It is considered that the proposal meets all of the relevant policies of the adopted West Somerset Local Plan and the NPPF. It is therefore recommended that subject to the applicant entering into a legal agreement for the provision of £5,00 per dwelling towards recreation/community infrastructure, outline planning permission be granted subject to conditions.

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



Application No:	3/26/20/004
Parish	Old Cleeve
Application Type	Full Planning Permission
Case Officer:	Alex Lawrey
Grid Ref	
Applicant	Mr Nicholas Priddy
Proposal	Erection of 9 No. dwellings with associated works including drainage, landscaping and highway works
Location	Field adjacent to Station Road, Washford

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

(A2) Dr.No. 19.25.07 Floor Plan House Type D
 (A2) Dr.No. 19.25.05 Floor Plan House Type B
 (A2) Dr.No. 19.25.04 Floor Plan House Type A
 (A2) Dr.No. 19.25.02 Site layout - Roof Plans
 (A1) Dr.No. 19.25.02 Site layout - House Types
 (A1) Dr.No. 1730 Rev P2 Highways Long Sections
 (A1) Dr.No. 1740 Rev P3 Highways Construction Details
 (A1) Dr.No. 1710 Rev P1 Vehicle Swept Path
 (A1) Dr.No. 1700 Rev P3 Highways Engineering Layout
 (A1) Dr.No. 1500 Rev P3 Highways and Drainage Layout
 (A1) Dr.No. 0120 Rev P2 Impermeable Area Plan
 (A2) Dr.No. 19.25.20 Rev Street Scene and Section
 (A1) Dr.No. 19.25.19 Garage Plans and Elevations
 (A1) Dr.No. 19.25.18 Pedestrian Linkage Diagram
 (A2) Dr.No. 19.25.16 Plots 7 & 8 - Type D
 (A2) Dr.No. 19.25.17 Plot 9 - Type A
 (A2) Dr.No. 19.25.15 Plot 6 -Type C
 (A2) Dr.No. 19.25.14 Plot 5 - Type H
 (A2) Dr.No. 19.25.13 Plot 4 - Type B

- (A2) Dr.No. 19.25.12 Plot 2 & 3 - Types E & F
- (A2) Dr.No. 19.25.11 Plot 1 - Type G
- (A2) Dr.No. 19.25.10 Floor Plan House Type H
- (A2) Dr.No. 19.25.09 Floor Plan House Type G
- (A2) Dr.No. 19.25.08 Floor Plan House Types E & F
- (A2) Dr.No. 19.25.06 Floor Plan House Type C
- (A3) Dr.No. 19.25.01 Site Location Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to the construction of the development hereby permitted above foundations level samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the area.

- 4 (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

- 5 No development, as hereby approved, which shall interfere with or compromise the use of footpath WL 18/22 shall take place until a path diversion order has been made and confirmed, (and the diverted route made available to the satisfaction of the Local Planning Authority).

Reason: To ensure continued access to a public right of way

Prior to commencement reason: Any commencement of construction works could restrict or block access to the public right of way

- 6 Development, in so far as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

Reason: To ensure continued access to a public right of way

Prior to commencement reason: Any commencement of construction works could restrict or block access to the public right of way

- 7 The following will be integrated into or mounted upon buildings:
- a) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the south elevation of Plot 4
 - b) A cluster of five Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation of Plot 4.
 - c) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevations of Plot 2
 - d) A bee brick built into the wall about 1 metre above ground level on the east elevation of Plots 1, 4 and 5
 - e) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site

Photographs of the installed features will be submitted to the Local Planning Authority prior to first occupation of the dwelling

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

- 8 Retained hedgerows shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of hedgerows and other sensitive habitats. Photographs of the measures shall be submitted to the Local Planning Authority prior to the commencement of any vegetative clearance or groundworks. The measures shall be maintained throughout the construction period.

Reason: A pre-commencement condition in the interests of European and UK protected species and biodiversity generally and in accordance with policy NH6 of the West Somerset Local Plan

- 9 Prior to the first occupation of any dwelling, a "lighting design for bats" shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy NH6 of the West Somerset Local Plan

- 10 The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority

Reason: In the interests of highway safety and to ensure the adequate provision of highways and associated infrastructure

Prior to commencement reason: To ensure the adequate provision of transport infrastructure

- 11 The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure good access to the development and in the interests of highway safety

- 12 The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: In the interests of highway safety

- 13 In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority

Reason: In the interests of the promotion of sustainable transport

- 14 None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed in accordance with a design and specification to be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

- 15 No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent surface water flowing onto the public highway and in the interests of highway safety

Prior to commencement reason: To prevent surface water flooding and in the interests of highway safety

- 16 Prior to any works commencing a condition survey of the local network will need to be undertaken and agreed with the Highway Authority and any damage caused as a result of the development to be rectified at the applicants cost.

Reason: To ensure the public highway is not damaged as a result of the development and in the interests of highway safety

Prior to commencement reason: To ensure that construction activities do not damage the highway

- 17 No development shall commence unless a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
- Construction vehicle movements
 - Construction operation hours
 - Construction vehicular routes to and from site including a map showing the route
 - Construction delivery hours
 - All construction deliveries being made off highway
 - On-site turning facility for delivery vehicles and egress onto highway only with guidance of a trained banksman
 - Expected number of construction vehicles per day
 - All contractor vehicle parking being accommodated off highway including a plan showing the onsite parking arrangements
 - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice
 - A scheme to encourage the use of Public Transport amongst contractors
 - On-site vehicle wheel washing facilities and the regular use of a road sweeper for local highways

Reason: In the interests of amenity and highway safety

Prior to commencement reason: To ensure that construction activities do not increase risks to road users and have a detrimental impact on residential amenity

- 18 The proposed access shall be constructed in accordance with details shown on the submitted plan, and shall be available for use before first occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety and to ensure adequate access to the development

- 19 The Development hereby permitted shall not be occupied until the parking spaces for the dwellings and a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To prevent on-street parking

- 20 There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Having regard to the heavy vehicles to access the site during the construction phase, such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interests of highway safety

- 21 Prior to the commencement of the development, works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with details, and a drainage strategy that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. The drainage strategy shall follow the SUDS hierarchy and incorporate features such as permeable surfacings and rainwater-harvesting. The works shall thereafter be retained and maintained in that form.

Reason: To prevent discharge into nearby water courses and ensure the adequate provision of drainage infrastructure.

Prior to commencement reason: To ensure that the development does not create surface water flooding issues

Informative notes to applicant

- 1 In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 2 Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary

(diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

- 3 The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity

Proposal

Erection of 9 No. dwellings with associated works including drainage, landscaping and highway works

Site Description

The site is part of a larger agricultural field and measures approximately 0.9 hectares. The red line includes a track and public right of way WL18/22. It is bound by the A39 road to the eastern side and has hedgerows and trees to the boundaries by the A39. The land is on an elevated position in relation to the road and the land rises to the south behind a steep embankment that subsides towards its western end where the site meets the existing Brendon Service Station. The application site is currently used as agricultural pasture land and is accessed from the A39 via a lane and agricultural gateway that run to the southeast of the garage. There is an extant permission (3/26/17/027) for a new garage building to the north of the site (which is on land in the same ownership). There are overhead wires traversing through the northern part of the site.

Relevant Planning History

The site itself has no planning history but the track (and PROW) which forms part of this application has planning history in connection with the garage:

- 3/26/87/049 - pump canopy - granted - 22/11/1987
- 3/26/96/009 - workshop extension - granted - 20/05/1996
- 3/26/17/027 - Change of use of land from agricultural for the erection of a garage to include service bays, MOT facility, showroom and office with installation of solar panels to the roof and formation of access - granted - 12/02/2019

Consultation Responses

Old Cleeve Parish Council - the parish council noted lack of local services, raised concerns about sheds, drainage and flooding incidents and compliance with SUDS hierarchy

- The development lacks sustainable features. The only element of Sustainable

Drainage incorporated is the lowest level of hard engineered water retention in two geocellular tanks that protrude from the ground and cannot be planted up. The tank located next to plot precludes the planting shown in the proposed plans

- The upper part of the plot, considered too steep to build on, has been ignored. This has the capacity to provide amenity, bio-diversity and landscaping and tree planting to protect the development and the settlement from run-off. It would then meet net gain requirements for amenity and biodiversity

Key objections on flood risk drainage:

1. The application fails to conform to NPPF as it does not take account of sources of flooding outside the site

2. The application fails to conform to NPPF as does not adequately address the potential, when considered cumulatively with the adjacent plot, to cause flooding elsewhere (see SWT Strategic Flood Risk Assessment 2019 and report on adjacent site, below, for the specific risks)

3. The Design and Access Statement and Drainage Statement demonstrate that due diligence has not been done on surface water management, either in the site appraisal or in the flood risk assessment element of the Drainage Statement

4. Insufficient attention has been given to exceedance pathways on a site that has the potential to close an A Road and flood homes. The claim that 'betterment' will be achieved is not supported by the facts and is based on supposition about existing run-off

5. The design is deficient, creating a real risk in that it creates an exceedance flow path towards the East and North East of the site, potentially affecting the most easterly property and running onto an under-designed 160m² shared parking area and then onto the highway, 7 metres below.

- All street lighting in Washford is owned and maintained by SCC. Old Cleeve Parish Council do not wish to assume responsibility for any street lighting if provided

- Whilst there appears to be sufficient parking spaces noted overall, in reality these will not always all be available. In particular, the spaces in garages are more likely to be used for storage and access to these will be obstructed by vehicles parked in the driveway spaces. There is no room 'on-street' for safe parking without an obstruction being caused

- The swept path diagram for private vehicles accessing plots 8 and 9 will require co-operation should multiple vehicles be parked outside the garages, as the turning head is less than that shown for plots 5 and 6

- The proposed A39 crossing point would only benefit the community if it was a full controlled crossing

- The proposed pavement and drop kerbs only increase the hazard to a greater number of persons perceiving the proposed to be a crossing point

- The West Somerset Railway cannot be used as a commuter service. It is a tourist and seasonal facility only and must be discounted

- The Somerset and Dorset Railway Museum at Washford has been given notice (now less than one year) to vacate the site, no specific details are given for the future use of the railway/workshop complex

Clause 2.5.3

- Should the proposed road not be adopted by the local Highway Authority, provision will need to be made for the private collection of waste and recyclables and also for street cleaning by the management company in addition to the landscape areas/private drainage

Clause 4.3 Affordable Housing Statement

- It is noted that only 2 houses are offered as affordable or social housing whereas the recommendation is minimum of 3.15. There is a proven need for such housing in proposed walking route whilst referenced is not shown on the plan

Old Cleeve Parish Council consider that the application offers the potential to provide a scheme of good quality in preference to the scheme currently yet to be determined to the rear of Huish Mews (application 3/2619/024) to which the Parish Council raised considerable comment. However, recommendation for approval cannot be made unless a controlled crossing in full is provided and all other issues raised are addressed.

Therefore, Old Cleeve Parish Council object to the current scheme for the reasons above.

*Highways Development Control -
Drainage strategy*

No objections in principle to the surface water management strategy proposed with the following observations on drainage matters as they relate to both the existing public highway fronting the site and the proposed new access road. If the access road is to be offered for adoption, then the surface water drainage system will be subject to further auditing against County Council design standards.

o Drainage Statement Report Ref: 1308w0002 dated 09.04.2020

o Highways and Drainage Layout Ref: 1308-1500 Rev. P3

o Highways Engineering Layout Ref: 1308-1700 Rev. P3

Please note comments were provided on the previous planning application 3/26/17/027 and would reiterated those that remain relevant to this application.

1. The construction specification and methodology of access road construction of the access road over the existing surface water sewer will need to be approved by both Wessex Water and Somerset County Council as highway authority.
2. Contours on the layout plan indicate that access road carriageway is designed with a longitudinal fall towards the A39 and as such any surface water run-off not collected by the gullies within the development will discharge out onto the public highway and will further burden the existing highway drainage, which could lead to flooding. This being the case it is considered essential that further gullies are provided on the junction radii to intercept channel line run-off to prevent discharge onto the A39.
3. The existing concrete drainage channel that extends across the garage forecourt and rear access lane will need to be removed where it conflicts with the proposed new access bellmouth junction. Further road gullies will be required within the development side road channel of the A39 immediately upstream of the new junction to prevent surface water from discharging across the new access road.
4. Interceptor drainage will be required within the development to prevent surface water run-off from private hardened areas discharging onto any prospective public highway areas.
5. The private attenuation tank needs to be set back with an adequate offset from the rear of the adjacent footway to reduce the potential of future maintenance and utility company works inadvertently compromising its structural integrity.
6. The designer will need to consider whether cut-off drains will be required at the base of the 1 in 2 cutting adjacent to the rear of the footway to reduce the potential for surface and sub-surface water adversely affecting the adjacent prospective public highway.
7. The structural design of the 900mm diameter attenuation pipes proposed to be

located within the carriageway will need to be approved by the County Council's Structures Engineer.

Internal Layout

The access is via an existing track that is planned to be upgraded to a type 4 access road with a 5m carriageway with two x 2m footways. The audit on the access at least is assumed by others but please find some general comments, Visibility commensurate with a major road is not shown on plans provided.

Access is shown as road 1, road 2 should provide a turning head in line with expected traffic, if its going to be accepted as a residential turning head it appears around 5.0m short and needs tracking to suit.

The type 4 access road shows as a crossfall with surface water gullies on the northern side, the amount and catchment areas of gullies to be determined at detailed technical stage.

The shared surface road transition and tie in with the type 4 road will need agreeing at detailed technical stage. The materials will need to be visually different to warn users of the change of use. This would usually be by block pavements and any variations will need to be agreed in advance.

The shared surface turning area would seem to be acceptable but will need to be checked by tracking. The two access roads to garages for plots 5,7,8,9 would remain private if adoption for this development is being sought.

It is noted that there is an overhead power line, this will need to be considered and liaison with the Power distributor required.

In the event of permission being granted, conditions should be imposed for: estate roads; service road; gradients of driveways; cycleways and footpaths; street lighting; right of water discharge; survey of condition of roads; CEMP; access; parking spaces; and visibility splays

Updated comments 30/11/2020

In principle the suggested pedestrian crossing point is acceptable to this Authority. The wall outside Oak House is noted as being within the ownership of the applicant and therefore visibility splays for and of pedestrians can be improved.

The s106 agreement will need to cite s278 Highways Act 1980 and the highway detail will be subject to safety audit during the technical approval stage.

The submitted drawings would need to show the pedestrian visibility splays.

Rights of Way Protection Officer - There is a public right of way (PROW) recorded on the Definitive Map that runs through the site at the present time (public footpath WL 18/22). No objections to the proposal, subject to inclusion of recommended conditions for a stopping up/diversion order and related informative.

A Grampian-style condition will be required in this respect with regard to timing. Recent case law supports the use of conditions in this way. It is suggested that a condition for the requirement for the stopping up or diversion of the PROW is included in any permission granted

Please include an informative note on the permission, if granted regarding obstructions to PROWs.

There are no objections if a diversion order is applied for and if a s38 agreement is in place for the footway road over which the footpath runs. If there is to be no s38 agreement, then a s278 agreement will be required.

SCC - Ecologist - A Preliminary Ecological Appraisal of the application site was carried out in April 2019 by JH Ecology. The site comprised an area of cattle grazed species poor grassland bounded by hedgerows to the north and east, and continuation of pastureland to the south and west. The field sloped northwards

towards Station Road, which runs parallel to the northern boundary. The site is located on the fringe of the residential area of Washford, with the surrounding landscape characterised by hilly agricultural land with small - medium scale field pattern delineated by a network of hedgerows and scattered mature trees. There are several woodlands within the local area. The site was bounded to the north and east by species-poor native hedgerows. The report recommends that hedgerows are protected during construction and this should be set by condition accordingly.

The short grazed, species-poor grassland covering the site provided low value foraging habitat for bats. The site is however connected to suitable off-site habitat including woodland (e.g. Trowden Wood LWS), and pasture fields bounded by hedgerows and river corridor (Washford River, tree-lined in parts). The boundary hedgerows provided some potential for foraging and commuting bats. The northern hedgerow is subject to light pollution from existing street lighting on Station Road, and considered sub-optimal for commuting light-sensitive species. The eastern hedgerow provides a potential flight corridor, and an increase in light spill may deter such species which are known to follow hedge lines to their foraging sites and illumination of such features could lead to fragmentation of a commuting route. Therefore a condition for a "lighting design for bats" is required.

The National Planning Policy Framework (170d) requires biodiversity enhancement to be provided within development. It is recommended that a condition for a bat box, swift bricks, Sparrow terraces, bee bricks and a hedgehog holes is included with any permission granted.

No badger setts would be affected by the proposed development. However, it was considered that as badgers are likely to be active in the local area and may use the site for passage and forage, there is potential for badger to fall in to any deep trenches left open / uncovered overnight during the construction phase. However, as provision of planks, etc to allow badgers to escape cannot in reality be reasonably enforced through a condition. Therefore, an informative should be applied to the planning permission addressing this matter. This would also apply to hedgehogs which were considered possibly present in hedgerows.

Somerset County Council - flooding & drainage - As this is a minor application, it falls below the requirements for LLFA statutory consultation.

Therefore, the LLFA has no comments to make regarding this application.

For Information: Somerset County Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009. Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted.

Environment Agency - no comments received

Landscape - no comments received

LEISURE DEVELOPMENT - no comments to make as do nto adjacent land

Housing and Community Project Lead - Public Open Space (POS)

West Somerset Local Plan POLICY CF1 requires the appropriate provision of formal sports facilities and/ or informal public amenity open-space/play-space as an integral part of new development.

The West Somerset Council Play Providers Audit (2008) found that there are distinct gaps in the amount of designated play spaces in West Somerset. The audit

also highlighted that the overall quality of designated play spaces is only considered 'fair'.

It is noted that this development will be providing an informal play and open space area on site, however, there will be an increased local need for play space as a result of this development and therefore this development should achieve improvements on local existing play areas through an offsite contribution.

The commuted sum for offsite children's play contribution should be calculated as £3391.00 per each 2 bed + dwelling which is a total of £30,519.00. The contribution will be index linked and spent on additional play equipment for the play area that is within the closest proximity of the development.

Housing Enabling Officer - Housing Enabling comments:

The policy requirement in the West Somerset Local Plan to 2023 is that a minimum of 35% of all new housing should be in the form of affordable units. Based on a development scheme size of 9 homes this would mean that 3.15 affordable homes would be required, or 3 affordable homes and a commuted sum equivalent to 0.15 of an affordable home).

Ideally the affordable housing on this site would consist of 60% social rented and 40% affordable home ownership i.e. 2 social rented dwellings and 1 affordable home ownership dwelling.

The Housing Need Report, 20 May 2019, for Old Cleeve (inc Washford Parish) states that 3 households with a local connection are in housing need:

- 1 x 1 bed home
- 1 x 2 bed home
- 1 x 3 bed home

There were 5 additional local households in housing need registered with Homefinder Somerset at this time:

- 2 x 3 bed homes
- 3 x 2 bed homes

Any application which does not comply with the West Somerset Local Plan policy requirement above will need to justify the proposed housing mix with viability assessment which will be independently assessed.

This application proposes to deliver 2 homes for affordable home ownership. The Housing Need Report identified 5 households with a need for low cost homeownership. The housing survey found that average sale price in the parish is £381,379, much higher than the average sale price in the West Somerset area as a whole which was £238,325. In order to purchase an average home in Washford the buyer would need a deposit of £38,138 (10% deposit) and an income of £98,000 pa (borrowing of 3.5 of annual income). The average salary in Somerset West and Taunton is £33,500pa and therefore insufficient to buy properties at this value. None of the respondents to the survey with an interest in home ownership had a purchase budget above £250,000.

For the reasons above affordable home ownership units provided on this site must be at a 40% discount to the open market value in perpetuity to ensure these homes are affordable for local people. All the affordable home ownership homes should be 2 and 3 bedroom properties.

The affordable homes should be integral to the development and should not be visually distinguishable from the market housing on site.

Due to the size and location of the scheme there would be a requirement for a local connection clause in relation to the affordable housing.

The affordable housing scheme must be submitted to and approved in writing by

the Development Enabling Specialist at Somerset West and Taunton Council. Early engagement to agree the affordable housing provision is recommended.

Avon & Somerset Police - No objection subject to comments

- Crime Statistics – reported crime for the area of this proposed development averages less than 1 offence per month, which is classed as a very low level of reported crime.
- Layout of Roads & Footpaths - vehicular and pedestrian routes appear to be visually open and direct and are likely to be well used enabling good resident surveillance of the street. The single vehicular entrance/exit to the development has advantages from a crime prevention perspective over through roads.
- Orientation of Dwellings – all the dwellings appear to overlook the street and public open spaces which allows neighbours to easily view their surroundings and also makes the potential criminal more vulnerable to detection.
- Dwelling Boundaries – it is important that all boundaries between public and private space are clearly defined and it is desirable that dwelling frontages are kept open to view to assist resident surveillance of the street and public areas, so walls, fences, hedges at the front of dwellings should be kept low, maximum height 1 metre, to assist this.
- Public Open Space –communal areas have the potential to generate crime, the fear of crime and ASB and should be designed to allow surveillance from nearby dwellings with safe routes for users to come and go. The main areas of POS appear to be to the east and west of the site and both appear to be fairly well overlooked from the proposed dwellings. A Play Area does not appear to be included in the proposals.
- Car Parking – is a mix of on-plot garages, which is the recommended option, and a small court of communal parking spaces in the north/east corner of the development serving two adjacent dwellings and visitors.
- Landscaping/Planting - should not impede opportunities for natural surveillance and must avoid potential hiding places.
- Street Lighting – all street lighting for adopted highways and footpaths, private estate roads and footpaths and car parking areas should comply with BS 5489:2013.
- Physical Security of Dwellings – in order to comply with Approved Document Q: Security – Dwellings, of Building Regulations, all external doorsets must be tested to PAS 24:2016 security standard or equivalent.
- Secured by Design (SBD) – if planning permission is granted, the applicant is advised to refer to the ‘SBD Homes 2019’ design guide available on the Secured by Design website

Devon & Somerset Fire & Rescue Service - no comments received

South Western Ambulance Service - no comments received

Landscape - no comments received

Wessex Water Authority - Wessex Water has no objections to this application and can advise the following information for the applicant:

The planning application indicates that foul sewerage will be disposed of via the main sewer. Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The current planning submission indicates that rainwater (also referred to as “surface water”) will be disposed of via sustainable drainage systems.

According to our records there are no recorded public sewers or water mains within the red line boundary of the development site.

The surface water strategy

Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system. We will only consider a surface water connection into the public surface water sewer where infiltration methods are proven unviable. There must be no surface water connections into the foul sewer network.

Representations Received

10no. individuals wrote letters of objection. The issues raised are:

- Unsuitable site with steep ground
- Drainage
- Traffic impacts
- 2no. affordable units is tokenistic
- Overlooking
- Loss of privacy
- Spoil the view
- Lack of local services
- No employment locally
- No pedestrian crossing
- Public transport is limited
- Potential landslip
- Continued access along track to other properties might be affected
- Impacts on heritage assets has not been considered
- Impact on character of village

One letter of support was received, noting that the proposal would help bring new families to the area and would not impact on existing dwellings due to being set back from them

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 the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

- | | |
|-----|--|
| SC1 | Hierarchy of settlements |
| SC4 | Affordable Housing |
| CF1 | Maximising access to recreational facilities |

NH13	Securing high standards of design
T/8	Residential Car Parking
T/9	Existing Footpaths
NH6	Nature conservation & biodiversity protection & enhancement
SV1	Development at primary and secondary villages
NH1	Historic Environment
TR2	Reducing reliance on the private car
TR1	Access to and from West Somerset

Retained saved policies of the West Somerset Local Plan (2006)

SC1	Hierarchy of settlements
SC4	Affordable Housing
CF1	Maximising access to recreational facilities
NH13	Securing high standards of design
T/8	Residential Car Parking
T/9	Existing Footpaths
NH6	Nature conservation & biodiversity protection & enhancement
SV1	Development at primary and secondary villages
NH1	Historic Environment
TR2	Reducing reliance on the private car
TR1	Access to and from West Somerset

Determining issues and considerations

The main issues are the principle of development; affordable housing and play provision; design and materials; traffic, access and parking; pedestrian crossing; PROW; landscape; biodiversity; drainage; heritage; and section 106 legal agreement

Principle of development

The application is for 9no. dwellings for a site adjacent to the A39 road in Washford. Policy SC1 (Hierarchy of Settlements) stipulates that Washford is a recognised settlement (primary village) where 'limited development' of up to ten dwellings is allowed within 50m of the 'contiguous built-up area'. Additionally a figure of 10% is given as the approximate maximum number of new dwellings to be approved in the plan period (2016-2032) over the extant figure for dwellings in Washford at the date of adoption of the Local Plan which was 304no.dwellings. There are two developments which have either permission (3/26/19/015) or committee resolution to grant subject to signing a section 106 agreement (3/26/19/016) totalling up to 14no. dwellings so with this application the total number would reach 23no. which is below

the maximum of 31no. (10% of 304) in the plan period. As Washford has access to public transport (bus routes) and some shops and services (including a tourist railway service, public house, church, primary school, post office and some employment provision) the village is considered to be a sustainable location for limited residential development. The site is considered to be in conformity with these requirements so is considered to be acceptable in principle. As the proposal is for residential development and delivers 9no. dwellings policy SC.4.4 (Affordable Housing) requires affordable housing either as on-site dwellings or an off-site contribution at a rate equivalent to 35% to which the developers have agreed. Other relevant policies include saved policy T/8 (residential parking) and NH13 (High Quality Design).

Affordable housing and play provision

The proposed development will require adequate affordable housing provision to meet requirements under policy SC4. At 9no. dwellings the 35% requirement equates to 3.15 dwellings, or three dwellings and an offsite contribution equivalent to the cost of 0.15 dwellings. The applicants have proposed to deliver 3no. onsite affordable dwellings either for social rent or at 60% of market value (discounted open-market dwellings) and offsite contributions equivalent to 0.15 dwellings, making the affordable provision equivalent to 3.15 dwellings. This is agreed by the authority's housing enabling officers and meets policy requirements provided that the dwellings are of a type and scale which is equivalent and indistinguishable from open-market dwellings. In this instance that is considered to be the case. The affordable housing provision will be subject to a section 106 legal agreement (see below).

The proposal would also require contributions for play provision which would be set via the section 106 agreement.

Design, materials and amenity

The proposed development would create an internal estate road with spurs off to rear garages and a parking court, and would use traditional designs for two storey dwellings, with pitched roofs and finished mainly in render. The design and layout have utilised the topography to position dwellings around contour lines and create more level surfaces. The layout features some detached garages to the rear of dwellings and access to them via accesses between detached dwellings with one having a coach-house style arch marking the entrance. Although traditional the design incorporates decorative features such as false-chimneys and has some variations in house types. Subject to approval of materials the design is considered acceptable and reflects the local vernacular.

The proposed dwellings are setback from the main highway (A39) and on an elevated position. However they are at least 30m to the nearest existing dwelling and for most considerably further than this. It is therefore considered that there would not

be significant overlooking or loss of privacy issues. Each of the proposed dwellings has reasonable garden spaces.

Traffic, access and parking, and pedestrian crossing

The proposed development at 9no. dwellings is considered to have a less than severe impact on extant traffic levels. The site is adjacent to main A39 highway between Minehead and Taunton and in a 30mph urban zone. Access would be via an existing access to the north-west of the site which is also a public right of way, between the site and the extant service station. The access is on a slight bend but has reasonably good visibility, particularly within a 30mph controlled zone. Improvements to the access track have been granted under permission 3/26/17/027 and the principle of use of this existing access point has therefore been agreed.

In terms of parking the proposal is for a mix of garages and a parking court and at levels which are compliant with policy requirements. Comments from the police have also noted that reasonable surveillance can be achieved, to decrease the potential for vehicular thefts.

The proposal also includes provision of an uncontrolled pedestrian crossing (zebra crossing) over the A39 which is acknowledged as being a planning benefit potentially accruing from the proposed development. As the site is on an elevated position and is gently sloping there are existing issues with drainage which would impact on both the existing public highway and proposed access, however the proposal includes a drainage strategy and the highways authority have reviewed proposed drainage arrangements. The highways authority have not objected to the scheme but have requested conditions for: estate roads; service road; gradients of driveways; cycleways and footpaths; street lighting; right of water discharge; survey of condition of roads; CEMP; access; parking spaces; and visibility splays. Further comments in relation to the proposed pedestrian crossing note that "in principle the suggested pedestrian crossing point is acceptable to this Authority. The wall outside Oak House is noted as being within the ownership of the applicant and therefore visibility splays for and of pedestrians can be improved." The pedestrian crossing would be secured via a section 106 agreement with details agreed pursuant to that agreement. A drawing showing the position of the crossing is included within the suite of submitted drawings. The pedestrian crossing is needed because Station Road/A39 immediately adjacent to the site does not have pavements to one side and access to the centre of the village and primary school would require increased pedestrian safety. Given that the proposed crossing would be secured via a legal agreement and the highways authority have agreed *in principle* to it, the proposed development is considered to meet requirements under SC1.4 B that there is 'safe and easy pedestrian access to the essential services and social facilities within the settlement'.

Public Right of Way (PROW)

The access track is also a public right of way WL18/22 and accordingly a stopping up/diversion order must be in place for the development to proceed. The PROW officer at Somerset County has not objected to the proposed development but has mandated conditions for the stopping up/diversion order and an informative. Subject to these recommendations the proposal is considered acceptable.

Landscape and biodiversity

The site is currently an open field on the edge of the settlement and has intrinsic landscape value. However the land is partially masked from main public receptors due to the steep bank along the A39 and extant hedgerows and trees. The proposed development would be sited alongside the consented new garage building and would be seen as part of the wider village from longer distance views. The application documentation includes a landscape appraisal which concludes that the proposal would have low/moderate landscape impacts and that these could be mitigated with a good landscaping scheme. The proposal would retain the majority of trees and hedgerows at the site and subject to a condition for landscaping is considered acceptable in regards to landscape impacts.

The proposal includes a Preliminary Ecological Assessment which has been reviewed by the County ecologist. The site has relatively low biodiversity potential except to the hedgerows on the fringes. As most of these would be kept intact the development is considered acceptable subject to the County ecologists recommended conditions for hedgerow protection, lighting design for bats and provision of bat/bird boxes and hedgehog holes and bee bricks within the dwellings.

Flooding and drainage

As the development is not a major development the Lead Local Flood Authority have not commented. However the proposal includes a Drainage Design Statement from JRC Consulting Engineers and associated 'Highways and Drainage Layout' drawing. This has been reviewed with comments by the highways officer and subject to recommended conditions found acceptable. Additional to the highways condition a general foul and surface water condition will be included with any permission granted which will also require that SUDS features such as permeable paving and rain-water harvesting are included in the drainage strategy. The main feature of the drainage design is a large underground tank however it is acknowledged that due to the topography and inadequate soil permeability conditions an engineered solution to drainage issues is required. Subject to conditions as cited above the proposed development is considered acceptable and should lead to improvements in the situation with existing surface water management issues at the site and surroundings.

Heritage

There are no designated heritage assets directly bordering onto the proposed development site however the remnants of Cleeve Abbey, which is a scheduled ancient monument, and has grade II listed buildings to its' peripheries, is near to the site, located within 200m to the south-east of the site. All applications for planning permission affecting a listed building or its setting must be determined in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses". There are related duties for planning authorities regarding scheduled ancient monuments and provisions of the NPPF require that planning authorities consider the impacts of development upon heritage assets. The topography of the area means that the main heritage site (Cleeve Abbey) is the other side of the hill from the development, and there are no direct line-of sight views between the site and Cleeve Abbey. In terms of the character of the area the development would be alongside existing contiguous built development in the village so would not fundamentally change the surrounding character and is not considered to have a detrimental impact on the setting or context of the scheduled ancient monument and listed buildings, due to separation distance, topography and extant buildings which mask the eastern and southern fringes of the site from views from/towards the heritage features.

Section 106 legal agreement

The recommendation of conditional approval for this application is made on the basis of agreeing and signing/sealing a section 106 agreement providing for the affordable housing and related offsite contributions, financial contributions for play provision, and design/implementation of the uncontrolled pedestrian crossing. Additional legal agreements relevant to highways are also noted and are mandated by separate legislation.

Other matters

9no. individuals residents and one letter from an agent representing the Wyndham Estate (local landowners and who have a recently refused application at Huish Lane reference 3/26/19/024) have written letters of objection and one letter of support has also been received. Additionally the parish council have objected. The issues raised include traffic impacts and highway safety, loss of privacy, drainage problems, access issues, poor pedestrian connectivity, and lack of local services and employment. The points made are noted and addressed above. As there have been ten letters objecting to the development and opposition from the parish council the recommendation of approval will be brought to the next available planning committee.

There are telegraph or power lines traversing through the northern part of the proposed development site. The applicant will require relevant consents for moving or undergrounding these telegraph poles/wires at the construction stage from the relevant utility companies.

Conclusion

The application would provide for 9no. new dwellings with 3no. affordable and a related offsite contribution, and improvements to the Washford pedestrian infrastructure (and for 'non-motorised users' – wheelchair users, buggys, etc) through a new pedestrian crossing. It is considered to be in compliance with policy requirements and would not have a significant visual or landscape impact due to the topography. With recommended conditions and the section 106 agreement it is recommended for approval.

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

Application No:	3/39/20/014
Parish	Williton
Application Type	Full Planning Permission
Case Officer:	Sarah Wilsher
Grid Ref	Easting: 308072 Northing: 141359
Applicant	Mrs Nicki Maclean
Proposal	Erection of first floor extension over garage and associated alterations
Location	3 Dovetons Drive, Williton, Taunton, TA4 4ST

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo 2154/200 Proposed Site Plans
 (A1) DrNo 2154/201 Proposed Floor Plans
 (A1) DrNo 2154/202 Proposed Elevations

Reason: For the avoidance of doubt and in the interests of proper planning.

Informative notes to applicant

- 1 In accordance with paragraph 38 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

It is proposed to erect a first floor extension above the existing attached garage on the side elevation of the dwelling in order to create two bedrooms. As part of the works the existing porch behind the garage, will be removed and the ground floor will be extended to the rear so that the extension is flush with the existing rear wall. This extra floorspace, together with part of the garage, will provide an extension to the kitchen. The extension will be set back from the front face of the principal elevation. The extension will be painted render with a dual-pitched roof using concrete roof tiles to match the existing dwelling.

Site Description

No. 3 is a detached rendered dwelling under a concrete tiled dual-pitched roof with upvc fenestration. It is situated in a residential area of the village of Williton.

Relevant Planning History

3/39/02/027 - Proposed first floor extension (as amended by plans received 12/06/2002) - granted 25 July 2002. This permission is for a similar scheme which was not implemented and has since lapsed.

Consultation Responses

Williton Parish Council - On the understanding that the garage remains a viable size to accommodate the parking of a car then no objection would be raised.

Highways Development Control - Standing Advice.

Habitats Regulations Assessment

Not applicable.

Representations Received

None received.

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 the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1 Presumption in favour of sustainable development
BD/3 Conversions, Alterations and, Extensions

Retained saved policies of the West Somerset Local Plan (2006)

SD1 Presumption in favour of sustainable development
BD/3 Conversions, Alterations and, Extensions

Determining issues and considerations

The determining factors for consideration are the affect on the amenities of the neighbours, the appearance of the development and the impact on the street scene.

The first floor will face no. 5 to the north. There is a first floor window in the side elevation of no. 5, but as there are no windows proposed for the side of the new extension there will be no overlooking and as no. 5's garage sits between the proposed extension and the main body of the house at no. 5 there will be no impact in terms of overbearing or loss of light.

The extension will be lower than the roof of the main dwelling by about 0.1m and will be recessed from the front elevation. It will thus show subservience. It is in proportion and scale with the existing house and the design and materials will be in keeping.

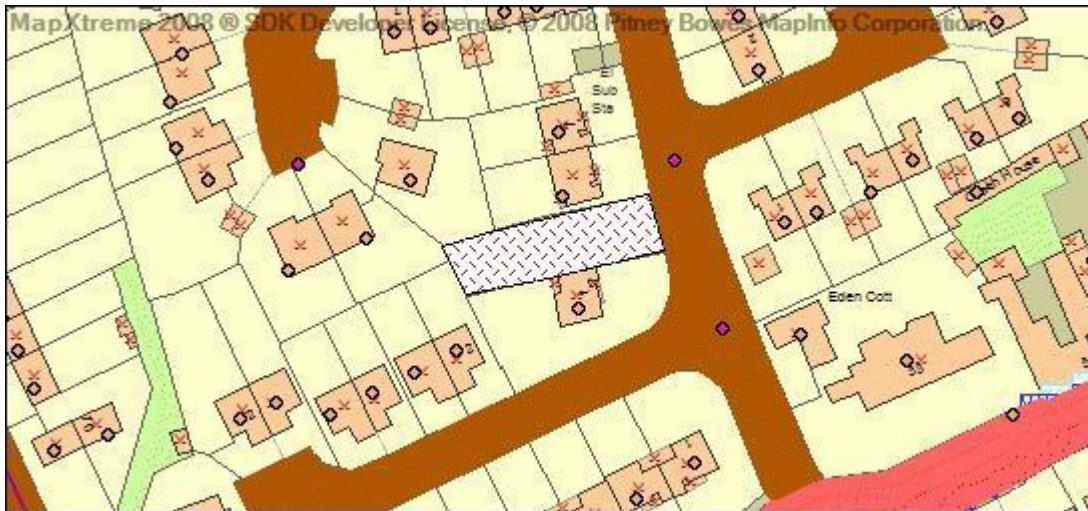
The garage will be reduced in size in order to enlarge the kitchen, the useable space being about 3.4m wide at the widest point narrowing to about 2.1m and about 5.3m long. This does not meet the 3m wide and 6m long requirement laid down for a single garage in Highways Standing Advice. However, the applicant has stated that this will still be a sufficient space for their needs. The driveway gives existing space for the parking of two cars and there is space forward of the dwelling for a hardstanding to be formed in the future to replace the front lawn for the parking of

two further vehicles (which if it includes drainage provision would not require planning permission).

It is thus considered that retained policy T/8 which states that a dwelling requires two car parking spaces will be complied with. In terms of Highways Standing Advice, as the property will be changed from a 3-bed to a 4-bed dwelling this states that for four bedrooms there should be 3.5 parking spaces plus visitor parking (where half the parking is unallocated no visitor parking is required and where less than half of the parking is unallocated 0.2 spaces per dwelling). It is therefore considered that the availability of parking provision for four cars also complies with Highways Standing Advice. The off-road parking provision within the curtilage is therefore acceptable.

The proposed development is thus acceptable and in accordance with policy SD1 of the West Somerset Local Plan to 2032 and retained policies BD/3 and T/8 of the West Somerset District Local Plan (2006). It is recommended for conditional approval.

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



APPEALS RECEIVED –12 DECEMBER 2020

Site: 29 Quay Street, Minehead, TA24 5UL

Proposal: Erection of raised area of decking and outbuilding (retention of works already undertaken)

Application number: 3/21/20/045

Appeal reference: APP/W3330/W/20/3260947

Enforcement Appeal:

Site: Café Bar 21, 21 The Avenue, Minehead, TA24 5AY

Proposal:

Alleged unauthorised:-

- (a) construction of a rear extension in the position as shown edged green on the plan annexed hereto
- (b) construction of a timber toilet block in the position as shown edged purple on the plan annexed hereto
- (c) erection of a 2.75 metre high timber fence and gates in the position as shown edged light blue on the plan annexed hereto
- (d) erection of a timber pergola in the position as shown edged yellow on the plan annexed hereto
- (e) construction of an area of raised decking with a fence and a glazed panel in the position as shown edged dark blue on the plan annexed hereto
- (f) installation of timber cladding at first floor level on the south and east elevations of the building

Application number: ECC/EN/18/00058

Appeal reference:

Enforcement Appeal: APP/W3330/C/20/3260776

Site: HIGHER HOUSE FARM, HUNTHAM, NORTH CURRY TA3 6EF

Proposal:

PERMANENT RESIDENTIAL USE AT HIGHER HOUSE FARM, HUNTHAM, NORTH CURRY

Application number: E/0178/36/13

Appeal reference

Enforcement Appeal: APP/W3330/C/20/3260489

Site: FAIRMEAD, STATHE ROAD, STATHE, BRIDGWATER, TA7 0JJ

Proposal: Replacement of rear conservatory with erection of a two storey extension at Fairmead, Stathe Road, Stathe, Burrowbridge (amended scheme to 51/19/0018) (retention of part works already undertaken)

Application number: 51/20/007

Appeal reference: APP/W3330/D/20/3261888

Enforcement Appeal:

Site: 75 UPPER HOLWAY ROAD, TAUNTON, TA1 2QA

Proposal: Erection of fence with bicycle storage area to the front of 75 Upper Holway Road, Taunton (retention of works already undertaken)

Application number: 38/20/0216

Appeal reference: APP/W3330/D/20/3260992

Enforcement Appeal:

Site: LILLESDON BARN, LILLESDON LANE, NORTH CURRY, TAUNTON,
TA3 6BY

Proposal: Erection of a single storey extension to the west elevation of Lillesdon
Barn, Lillesdon Lane, North Curry

Application number: 24/20/0035

Appeal reference: APP/W3330/D/20/3262628

Enforcement Appeal:

APPEAL DECISIONS –10 DECEMBER 2020

Site: HOLIDAY UNITS AT, PIPISTRELLE HOUSE, SMEATHARPE ROAD, CHURCHSTANTON, TAUNTON, HONITON, EX14 9RE

Proposal: Alleged unauthorised use of three holiday let properties for domestic use at Pipistrelle House, Smeatharpe Road, Churchstanton, Taunton, Honiton, EX14 9RE.

Application number: E/0190/10/18

Reason for refusal: Appeal – Dismissed, Costs – Refused



The Planning Inspectorate

Appeal Decisions

Site visit made on 20 May 2020 by **Roy**

Curnow MA BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2020

Appeal A Ref: APP/W3330/C/19/3242305

Unit 1, Pipistrelle Cottage, Smeatharpe Road, Churchstanton, Taunton, Honiton EX14 9RE

Appeal B Ref: APP/W3330/C/19/3242309

Unit 2, Pipistrelle View, Smeatharpe Road, Churchstanton, Taunton, Honiton EX14 9RE

Appeal C Ref: APP/W3330/C/19/3242311

Unit 3, Pipistrelle Grand, Smeatharpe Road, Churchstanton, Taunton, Honiton EX14 9RE

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr Robin Lockyer against enforcement notices issued by Somerset West and Taunton Council ('the notices').
- The enforcement notices, numbered E/0190/10/18, were issued on 15 November 2019.
- The breach of planning control alleged in the notices is failure to comply with condition 07 of a planning permission Ref 10/91/020 granted on 16 July 1991.
- The development to which the permission relates is 'Change of use of barn to 3 holiday units at Barn C, Lower Southey Farm, Smeatharpe as amended by agent's letter and plan received 5th July 1991'.
- The condition in question is No 7 which states that: 'The occupation of the holiday accommodation shall be restricted to bona fide holidaymakers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times'.
- The notices allege that condition 07 has not been complied with and that the holiday units on the land are, in each case, being used as permanent residential dwellings.

- The requirement of the notices is: Permanently cease the use of the Holiday Unit as a permanent residential dwelling.
 - In each case, the period for compliance with the requirements is 9 months from the date that the Enforcement Notice takes effect.
 - The appeals are proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990, as amended. The applications for planning permission deemed to have been made under section 177(5) of the Act also falls to be determined.
-

Decision

Appeal A Ref: APP/W3330/C/19/3242305

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.
-

Appeal B Ref: APP/W3330/C/19/3242309

2. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal C Ref: APP/W3330/C/19/3242311

3. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural Matter

4. The three appeals relate to a breach of the same condition at all three units, which are in the same building. As each notice and its associated cases raise the same issues, I have dealt with them in a single decision letter.
5. In the light of the present circumstances, regarding the Covid-19 pandemic, my site visit was undertaken on the basis of an Access Required Site Visit.

Application for costs

6. An application for costs was made by Somerset West and Taunton Council against Mr Robin Lockyer. This application is the subject of a separate Decision.

Main Issue

7. The main issue is whether condition 07 is reasonable and necessary having regard to the location of the appeal site and access to service provision.

Reasons

8. The three units that are the subject of this appeal were created through the conversion of a barn, by virtue of a 1991 planning permission. They, together with Pipistrelle House and Lower Southey Farm, form a small collection of dwellings some 300m from the small settlement of Smeatharpe. Both parties agree that the units lie

outside any settlement boundary, within the open countryside, as defined in Policy SP1 of the Taunton Deane Core Strategy 2011-2018 (CS).

9. The conversion of rural buildings in the open countryside is supported in principle by CS Policy DM2. Amongst other things, this policy sets out a sequential approach with regards to uses to which a building being converted might be put. This prioritised list runs through various community and business uses, including holiday use, finishing with residential uses. The last of these includes "other residential use", which includes unrestricted use. These, it states, are only supported in exceptional circumstances. The appellant seeks to use the units without complying with condition 07 and, therefore, establish the unrestricted residential use of the units.
10. The appellant states that, since the permission was granted to create the units, changes to national planning policy guidance and permitted development rights¹ mean that CS Policy DM2 is at odds with the terms of the National Planning Policy Framework, (the Framework). However, in my view, the Framework supports community, business and tourism uses as well as the provision of rural housing in certain circumstances², and the approach taken in CS Policy DM2 is consistent with this. Earlier this year an appeal³ against the refusal of an application to lift the same condition on the permission for conversion of this barn, now before me, was dismissed on this site. Little or no evidence has been provided in this appeal that would suggest any change of circumstances since that decision.
11. Whilst sustainability can mean different things in different areas, it is the accessibility of this site to service provision that is relevant to these appeals.
12. Policy A5 of the Taunton Deane Adopted Site Allocations and Development Management Plan 2016 (DMP) relates to accessibility. Amongst its terms, it states that residential development should be within walking distance of a defined range of service provision and its justification refers to the importance of regular, daily bus services to nearby towns. Its terms are reflected in those of CS Policy CP6. CS Policy CP1 aims, amongst other things, to reduce the need to travel.
13. There is a short walk along a surfaced footpath from the site to Smeatharpe. Thus, occupants of the dwellings would not be deterred from accessing its village hall and farm shop.
14. They would, however, have to travel to other settlements for the vast majority of services and facilities. Although I did not see a bus stop in Smeatharpe, I am told that buses stop outside the village hall. However, the evidence shows that the bus service to larger towns is intermittent and, as I have no evidence of its timing, I cannot be sure that it would be attractive to provide access to, for example, school and work opportunities elsewhere.
15. There is a limited range of services in Churchinford. During daylight hours and in good weather some residents would be prepared to walk or cycle from the units to the village. However, generally, the lack of footways along the road towards Redlane and the unmade nature of Broom's Lane would be likely to deter others and would not be an attractive proposition in poor weather or at night. Appendix 1 to the appellant's statement shows that the nearest primary school is some distance away and, given the lack of footways and lighting along the roads between it and the site,

¹ The introduction of Class Q of Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended

² Paragraphs 77-79

³ APP/W3330/W/19/3237811

some of which are narrow and steep, there would be very little likelihood of occupants of the units walking or cycling to it.

16. Permanent residents might use community facilities in the area more than tourists, as they might have more interest in supporting their longevity. However, this would depend on personal preference and, as the three units are small, the benefits to those facilities arising from their small number of occupants would be likely to be limited. Overall, it has not been demonstrated conclusively that the development would enhance or maintain the vitality of rural communities as required by paragraph 78 of the Framework. In any case, given the accessibility issues I refer to above, the scheme would not result in a reduction in the need to travel and occupants of the units would nonetheless be reliant on car travel.
17. I have taken into account the appellant's reference to local housing needs. However, I have not been provided with sufficient evidence of the local need for these types of dwelling, details of rental and or sale prices, nor how they might truly serve a local need. As such, I give little weight to these arguments.
18. For the above reasons, I find that non-compliance with condition 7 would lead to the creation of isolated dwellings in the countryside without exceptional circumstances being demonstrated. This would be contrary to the terms of CS Policies DM2 and SP1 and consistent with the Framework. Furthermore, occupants of the resultant dwellings would be largely reliant on the use of private car transport to access services and facilities, contrary to the terms of DMP Policy A5, CS Policies CP1 and CP6 and the Framework. Therefore, I find that the condition remains reasonable and necessary having regard to the location of the appeal site and access to service provision
19. I do not find that the development conflicts with CS Policies CP8, SD1 or DM1. The first two set out support for development in sustainable locations and a presumption in favour of sustainable development; however, neither weigh against against the development. The latter sets out a range of general requirements that the development broadly accords with.

Other Matters

20. Whilst other authorities might take a different approach to the lifting of holiday occupancy conditions, the Council made its decision on the basis of its development plan policy, which I have found to accord with the Framework. Therefore, this does not outweigh the harm that I have identified.
21. Although the initial reason for the permanent letting of the units was the illness of the appellant, I have been provided with no evidence to show why the units could not be run by another party.

Conclusion

22. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the applications deemed to have been made under section 177(5) of the 1990 Act as amended.



Costs Decision

Site visit made on 20 May 2020 by **Roy**

Curnow MA BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2020

Costs application in relation to Appeal Refs:

**APP/W3330/C/19/3242305,
3242309 and 3242311**

**Unit 1, Pipistrelle Cottage, Pipistrelle View, and Pipistrelle Grand,
Smeatharpe Road, Churchstanton, Taunton, Honiton EX14 9RE**

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Somerset West and Taunton Deane Borough Council for a partial award of costs against Mr Robin Lockyer.
 - The appeal was against an enforcement notice alleging a breach of a condition restricting the use of the units for holiday purposes.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. An application for costs will need to demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. The Council's case is based on an earlier proposal by the appellant to occupy the units on a permanent basis without complying with the holiday occupancy condition. That application was refused and was taken to appeal¹, which was recently dismissed (the planning appeal). The appeals against an enforcement notice issued in relation to the unauthorised use of the units on a permanent basis, which is the subject of this costs application, were made on ground (a) only – that is to say, the planning merits of the cases. The Council states that, given the recent dismissal of the planning appeal with no subsequent change in guidance or development plan policy that might lead to a different outcome in these enforcement appeals, they amount to unreasonable behaviour. This has led to unnecessary costs related to the preparation of the questionnaires and Council's statements. Although the Council has not stated whether this is an application for full or partial costs, I have taken it to be the former.

4. In response to the claim, the appellant makes the following points. He appealed the refusal of the planning application and wrote to the Council enquiring whether the matter would be the subject of an enforcement notice.
The Council did not issue notices relating to the breach of the condition until 7 months after its planning decision, by which time his planning appeal was well advanced. He then made his appeals against the notices.

¹ APP/W3330/W/19/3237811

5. Due to the time that had passed between his lodging the planning and enforcement appeals, the Planning Inspectorate was unable to conjoin them. This led to the decision on the planning appeal being made some months before the site visit for the enforcement appeals. Although the Planning Inspectorate thought it would probably be in his best interests to withdraw the appeals, he was unconvinced of this and let them run their course.
6. The PPG sets out examples of actions of a local planning authority that might be unreasonable². Amongst these is a situation where an appeal follows a recent appeal decision in respect of the same, or a very similar, development on the same, or substantially the same site where the Secretary of State or an Inspector decided that the proposal was unacceptable and circumstances have not materially changed in the intervening period. This is the scenario here.
7. However, the appellant had to lodge his appeal against the enforcement notices as, even were the planning appeal to be allowed, the notices would come into effect. This would not have happened had the Council withdrawn them, but the appellant could not be sure that this would have been the case. Had the appeals been conjoined, the situation where the planning appeal was determined before the enforcement notice appeals would not have arisen. That it was unable to be done was not the fault of the appellant, and by the time the planning appeal decision was made, the enforcement appeals were well advanced.
8. Whilst it was unlikely that a different decision would be made on the enforcement appeals, it was not impossible that this would be the case. Furthermore, whilst he did not make this case, there was always chance that I would use the powers conferred by section 176(3)(b) of the Act and quash the notice.
9. Therefore, despite, at face value, acting in a manner that the PPG suggests might lead to an award of costs, the appellant has put forward significant mitigating reasons. In the light of these, I am of the view that the appellant has not acted unreasonably. In any event, I am told that the Council's case for the enforcement notice appeals, which was contained in a single appeal statement, was the same as that it produced for the planning appeal save for the reference numbers. This was not challenged. The minimal additional work related to the questionnaires, where the answers to its questions and the policies attached would have been very similar if not the same as for the planning appeal, do not amount to unnecessary expense.
10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the Council's claim for costs fails.

Roy Curnow

INSPECTOR

² Paragraph: 053 Reference ID: 16 -053 -20140306 Revision date: 06 03 2014

Site: LIZANNE HOUSE, CHEDDON FITZPAINE ROAD, CHEDDON FITZPAINE, TAUNTON, TA2 8JU

Proposal: Erection of two-storey side extension with habitable accommodation in the roof space at Lizanne House, Cheddon Fitzpaine

Application number: 08/19/041

Reason for refusal: Appeal – Allowed

Decision: Chair Decision



Appeal Decision

Site visit made on 20 October 2020 by **C J Ford BA (Hons) BTP MRTPI**

a person appointed by the Secretary of State

Decision date: 25 November 2020

Appeal Ref: APP/W3330/D/20/3255956 Lizanne House, Cheddon Fitzpaine, Taunton TA2 8JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Spencer against the decision of Somerset West and Taunton Council.
 - The application Ref 08/19/0041, dated 7 December 2019, was refused by notice dated 24 April 2020.
 - The development proposed is new 2 storey side extension with attic room to replace existing garage/utility area.
-

Decision

1. The appeal is allowed and planning permission is granted for new 2 storey side extension with attic room to replace existing garage/utility area at Lizanne House, Cheddon Fitzpaine, Taunton TA2 8JU in accordance with the terms of the application Ref: 08/19/0041, dated 7 December 2019 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans; 1500 Rev B, 1000 Rev A, 2000 Rev D, 2100 Rev B and 2500 Rev D.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host property.

Reasons

3. The appeal property comprises a detached house on a sizeable plot. The main part of the dwelling has a two storey gable fronted form. To the east there is a single storey garage which is linked by a recessed utility area while to the west there is a single storey garden room extension.
4. In the proposed scheme, the existing garage would be replaced by a slightly deeper but considerably wider two storey gable fronted element and the utility area would become a glazed fronted two storey link. There would also be living accommodation provided within the roof of the development. As a consequence, the form and character of the house would fundamentally change and it would become a more substantial dwelling with a distinctive two storey 'twin-wing' design.
5. As noted by the Council, the development would not be subservient to the host property in terms of its significant width, bulk and mass. The ridge would not be set down and the new wing would not be set back. It would therefore conflict with Policy D5 of the Council's 2016 Site Allocations and Development Management Plan (SADMP), which seeks to ensure extensions are subservient in scale and design.
6. However, the appellant has the fallback of erecting an alternative permitted two storey side extension, (permission Ref: 08/16/0016 which has been implemented through the construction of the garden room). In that scheme, the extension would be set further back and would not be as deep at the rear. The ridge height would also be set down a small degree. Nevertheless, the width of the extension would not be too dissimilar from the appeal proposal. Despite its lesser overall bulk and mass, in public views from the front, the form and character of the house would significantly change. It would similarly result in a more substantial, wide, predominantly two storey dwelling but would be lacking a distinctive integrated overall design as illustrated by the paired gables in the appeal proposal.
7. In the proposed scheme, there would be a difference in the style, size and positioning of the windows between the new wing and the existing development. However, such differences also occur to a degree in the permitted scheme.
8. The proposal would therefore conflict with Policy D5 of the SADMP because it would not be subservient to the dwelling. The substantial changes to the form, character and appearance of the dwelling would also conflict with Policy D5 of the SADMP and Policy DM 1 of the Council's 2012 Core Strategy, both of which seek to protect these interests.
9. However, the appeal scheme offers substantive positive benefits over the available fallback in terms of its distinctive overall design. This material consideration is afforded significant weight and leads to a conclusion that the appeal should be determined other than in accordance with the development plan.

Other Matters

10. The eastern site boundary is adjacent to the Cheddon Fitzpaine Conservation Area and the front garden area to the Grade II listed 'The Old Rectory'. As the development would be set back from this boundary and screened by significant

mature vegetation, there would be no harm to the setting of these designated heritage assets.

Conclusion

11. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be allowed.

Conditions

12. The standard time limit condition is imposed, as is a condition specifying the approved plans to ensure certainty. A condition requiring matching materials is imposed to ensure the development harmonises with the character and appearance of the existing dwelling.

C J Ford

PLANNING DECISION OFFICER

Site: Land at Allshire, Allshire Lane, Brushford EX16 9JG

Proposal: Outline application for the erection of 1 No. key workers dwelling on land adjacent to the commercial and agricultural buildings

Application number: 3/04/19/007

Reason for refusal: Appeal – Allowed, Costs – Refused

Decision: Delegated Decision – Refused



The Planning Inspectorate

Appeal Decision

Hearing Held on 10 November 2020 Site visit made on 11 November 2020 **by Mrs H**

Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal Ref: APP/W3330/W/20/3256246 Land at Allshire, Allshire Lane, Brushford, Dulverton EX16 9JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Geoffrey Brown against the decision of Somerset West and Taunton Council.
 - The application Ref 3/04/19/007, dated 14 October 2019, was refused by notice dated 24 January 2020.
 - The development proposed is to construct a key workers dwelling on land adjacent to the existing commercial and agricultural buildings to support the essential and functional needs of the businesses occupying the land.
-

Decision

1. The appeal is allowed and outline planning permission is granted for construction of a key workers dwelling on land adjacent to the existing commercial and agricultural buildings to support the essential and functional needs of the businesses occupying the land at Allshire, Allshire Lane, Brushford, Dulverton, EX16 9JG, in accordance with the terms of the application, Ref 3/04/19/007, dated 14 October 2019, subject to the conditions in the attached schedule.

Preliminary Matters

2. Somerset West and Taunton Council was formed on 1 April 2019 following a merger. Provisions within the relevant regulations¹ allow for any plan prepared by one of the merging authorities to be treated as if “it had been prepared and, if so required, published by the single tier council for the whole or such part of

its area as corresponds to the area to which the particular plan, scheme, statement or strategy relates". As such, the status of the West Somerset Local Plan to 2032 (adopted 2016) (Local Plan) has not changed.

3. The appeal proposal was made in outline form with all matters reserved for future consideration.
4. Following the hearing, further clarification was provided by the appellant in respect of livestock numbers and the use of CCTV equipment for calving.

Application for Costs

5. An application for costs was made by Mr Geoffrey Brown against Somerset West and Taunton Council. This application is the subject of a separate Decision.

¹ Local Government (Structural Changes) (Transitional

Arrangements) (No.2) Regulations 2008

Main Issue

6. The main issue is whether the location and need for the dwelling accords with local policies that seek to limit development in the countryside in order to protect its character and minimise the need to travel.

Reasons

7. The proposal is for a dwelling at the appeal site to serve the businesses owned by the appellant, one of which is a farm (beef and lamb production) and the other of which trades in farm machinery. Agricultural contracting is a subsidiary part of the latter business, undertaken by the appellant and his employees on other farms utilising business-owned machinery. The farm extends to around 140 hectares, with approximately 55 hectares based at Allshire and two outlying blocks of owned grazing land forming the remainder.
8. The farm and farm machinery sales businesses share the same entrance, access lane and yard. The use of the numerous widespan agricultural buildings also appears to overlap to a degree. It is proposed that the dwelling would be sited on a small grass paddock adjacent to the main entrance and close to the largest adjoining machinery storage buildings.
9. The site is approximately 1.6 kilometres from the small settlement of East Anstey and approximately 4.5 kilometres from the village of Brushford. It was agreed by the parties that whilst the site is situated within the context of the farm and business buildings, and some outlying dwellings in Allshire Lane (approximately 400 metres away), it is otherwise in an isolated, open countryside position.
10. Local Plan Policy SD1 is an overarching policy enshrining the presumption in favour of sustainable development. Policy SC1 sets the settlement hierarchy for the Plan area and seeks to direct the greatest proportion of new residential growth in the main settlement of Minehead/Alcombe and the rural service centres, Watchen and Williton. Limited development is expected to occur in the primary villages, including Kilve and Washford. There are a number of secondary villages, including Brushford, where small scale development can be permitted if it can be demonstrated to contribute to wider sustainability benefits for the area.
11. Given the rural context of the site, the proposal for a dwelling does not accord with Local Plan Policy SC1. In such circumstances, proposals are to be considered under Policy OC1 for development in the open countryside.

12. Policy OC1 states that development is not generally appropriate on land outside of existing settlements unless in exceptional circumstances. Relevant to the appeal proposal are the criteria which set out that rural workers dwellings will only be permitted where i) the location must be essential for a rural worker (e.g. agricultural, forestry, horticultural, equestrian or hunting employment), or ii) where the proposal is a new-build to benefit an existing employment activity already established in the area that could not be easily accommodated within or adjoining a nearby named settlement. The parties agreed that though it was more permissive, Local Plan Policy OC1 was in broad conformity with paragraph 79 of the National Planning Policy Framework ('the Framework').
13. The key factors promoted by the appellant as the reason for seeking a rural worker's dwelling on site included the need to be within 'sight and sound' of the livestock, for the convenience of undertaking farm labour and to provide security for farm machinery, the total financial value of which is considerable. Evidence about the theft of a trailer from the yard was discussed at the hearing and other similar incidences were also explored in more detail. Furthermore, the increased out-of-hours sales and deliveries/collections from the yard (owing to lorries arriving from international locations) was provided as another reason for needing someone on site at all times.
14. The appellant's evidence included a 'standard man day calculation'⁴ for the needs of the farming enterprise. The Council indicated at the hearing that it did not dispute the alleged demand for 4.33 labour units. The main farm employee undertakes a large proportion of this work, assisted by the appellant and other contractors as necessary. No such similar evidence was provided for the farm machinery business, although the main farm employee also presently provides supervision for the farm machinery business during the working day.
15. During the hearing, it was made clear that both the appellant and his main fulltime employee lived away from the site and that it typically took them between 15 to 25 minutes to drive to the site. This often resulted in a lot of travel to and from the site when occasions arose during calving which occurs regularly throughout the year rather than during a concentrated period, i.e. Spring. It was also highlighted that the British Blue breed of cow produced at the farm had the highest incidences of caesarean delivery or other such complications owing to their double-muscle structure. The evidence appears to show that 93 births occurred in 2019 and 103 in the year 2017. As such, I anticipate that the number of car movements associated with calving duties and aftercare, in addition to typical labour requirements at the farm, is substantial.
16. The appellant also indicated that since 2018, the business has diversified into producing the calves over a longer period. These changes are set against a large reduction in the number of store lambs produced at the site. Though change to the volume of store lamb production was not anticipated to be a permanent change, recent price rises had made this aspect of the business economically unviable at the present time.
17. During the hearing, detailed accounts information for both businesses was provided for 2017 and 2019. These accounts also provided a snapshot of accounts information for both 2016 and 2018. Both businesses have clearly been profitable between 2016

⁴ Standard man day calculation taken from the 'Farm Management Pocketbook' 49th Edition - 2019 ³
APP/H3320/A/14/2224266 dated 20 January 2015

and 2019 with only one anomaly for the farm in the 2019 financial year. This anomaly is a result of the retention of livestock for a longer period. The effects of this elongated production process are anticipated to be outweighed by enhanced profitability in the current financial year and going forward. Furthermore, planning permission was secured in 2019 for two additional widespan agricultural buildings, both of which have been constructed. This indicates that recent investments have been made to secure the longevity of the farming enterprise.

18. Whether there had been any other changes since an earlier dismissal of an appeal on the site³ also formed part of the hearing discussion. It was highlighted that since 2015, poultry farming was no longer undertaken and that the existing poultry units are sublet. Additionally, the bungalow located at Allshires Lane, whilst not being geographically distant from the site, was still unavailable due to it being occupied by longstanding tenants. That this unavailable dwelling would still be beyond 'sight and sound' of the farm was another reason for seeking the alternative dwelling based at the shared entrance.

² Standard man day calculation taken from the 'Farm Management Pocketbook' 49th Edition - 2019

³ APP/H3320/A/14/2224266 dated 20 January 2015

19. In terms of security, I heard that the Council considered the farm machinery sales to be akin to a car dealership in a suburban industrial estate that should not result in a need for a dwelling in addition to other typical security measures. During my site visit, I noted the isolated rural location of the site and considered that it was unlikely that the general presence of individuals could act as a deterrent as would be more likely in a suburban setting. I also noted the appellant's use of electronic security gates, fencing and a ditch landscape feature around the main yard for security, but that there were limited other security features that could be installed without harm to the character and appearance of the area.
20. The Council was asked to provide a view as to the necessity for a 'temporary' dwelling as set out in Policy OC1. In this case, given the longevity of the businesses on site and their financial stability, the Council did not consider that such a temporary restriction would need to apply.
21. Drawing together this main issue, it became clearer throughout the hearing and subsequently at the appeal site visit, that whilst the Allshires farming base is compact, there is sufficient labour and livestock welfare justification for a dwelling to be based there, even if an adjustment is made to account for the reduction in store lambs. The additional convenience, security and business growth aspirations add to the justification for a dwelling to be based at the shared entrance to serve the intertwined needs of both businesses.
22. Whilst the dwelling would be relatively isolated from local settlements and facilities and therefore, unlikely to enable future occupiers to access a range of sustainable travel modes, it would at least be located to minimise the need for regular travel to and from work by an employee of both businesses. The dwelling could provide the convenience and stability for the businesses to continue to provide local employment and wider economic benefits.
23. As such, having further regard to the above, I consider that the proposal complies with, in particular, Policy OC1 of the Local Plan. For similar reasons, it would also comply with paragraph 79 of the Framework.

Other Matters

24. I note the agreement between the parties in respect of matters in relation to the impact on highways, flood risk and protection of best and most versatile agricultural land. The absence of harm is a neutral factor in the overall balance.

Conditions

25. I have considered the conditions in light of paragraph 55 of the Framework and the Planning Practice Guidance. I have undertaken some minor editing in the interests of precision and clarity.
26. Given the outline nature of the proposal, standard conditions are required to seek the timely submission of reserved matters and implementation of the approved development. The standard plans condition is also required to define the extent of the site location area.
27. Whilst the Council suggested a condition in relation to landscaping, this would be addressed by the future reserved matters application.
28. Owing to the restrictive policies relating to residential development in the countryside, it is necessary to impose a condition restricting the occupation of the dwelling to one associated with the linked businesses. Whilst the Council indicated a preference for the use of a planning obligation for this purpose, the Framework indicates that they should only be used where it is not possible to address unacceptable impacts through a planning condition. I consider that a planning condition would adequately restrict the occupation of a dwelling and have framed such a condition to apply to the circumstances of the case.
29. It is also necessary to seek the implementation of adequate drainage infrastructure to serve the development by way of a planning condition.

Conclusion

For the reasons given above, I conclude that the appeal should be allowed.

Hollie Nicholls

INSPECTOR

DOCUMENTS SUBMITTED

Document 1	List of suggested conditions from the Council
Document 2	G.S. Brown Esq Unaudited Accounts 2019
Document 3	G.S. Brown Ltd Unaudited Financial Statements 2019
Document 4	G.S. Brown Esq Unaudited Accounts 2017
Document 5	G.S. Brown Ltd Unaudited Financial Statements 2017

APPEARANCES

FOR THE APPELLANT:

Mr Geoffrey Brown	Appellant
Ms Kim Walker DipTPS MRTPI	Planning Consultant
Mr Kevin Bateman MRICS FAAV MIAgrM	Director – Bateman Hosegood

FOR THE LOCAL PLANNING AUTHORITY:

Mr Alex Lawrey MCD LRTPI	South West Taunton Council
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SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and Block Plan.
- 5) The occupation of the dwelling hereby approved shall be limited to:
 - i) a person solely or mainly working or last working for G.S. Brown Ltd and/or G.S. Brown Esq and the widows, widowers or civil partners of the above and any resident dependants; or,
 - ii) a person solely or mainly working, or last working, in either an agricultural or rural enterprise in the locality where there is/was an identifiable functional need and the widows, widowers or civil partners of the above and any resident dependants.
- 6) Prior to first occupation of the dwelling hereby permitted, works for the disposal of sewage and surface water drainage shall be provided on the site in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. The works shall thereafter be retained and maintained in that form.



Costs Decision

Hearing Held on 10 November 2020 Site visit made on 11 November 2020 **by Mrs H**

Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Costs application in relation to Appeal Ref: **APP/W3330/W/20/3256246 Land at Allshire, Allshire Lane, Brushford, Dulverton EX16 9JG**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Geoffrey Brown for a full award of costs against Somerset West Taunton Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for construction of a key workers dwelling on land adjacent to the existing commercial and agricultural buildings to support the essential and functional needs of the businesses occupying the land.
-

Decision

1. The application for an award of costs is refused.

The submissions for Mr Geoffrey Brown

2. The initial application was made in writing and the response to the Council was made orally at the hearing. In brief, the appellant is of the view that the Council failed to handle the appeal application in a proactive manner and determined it hastily, without first seeking additional information that may have otherwise avoided the submission of the appeal.

The response by Somerset West and Taunton Council

3. The Council provided their response to the applicant's written application orally at the hearing. Essentially, the Council does not consider that it acted rashly or failed to act proactively. Whilst the Council accepts that it has apportioned differing degrees of weight to considerations put forward by the appellant, it does not consider that unreasonable behaviour has been demonstrated during the processing of the appeal application or the appeal itself.

Reasons

4. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
5. The guidance makes it clear that a local planning authority might be at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal

- at appeal and/or makes vague generalised assertions about a proposal's impact which are unsupported by objective analysis. Similarly, local planning authorities may be at risk of an award of costs by preventing or delaying development which should clearly have been permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
6. The appellant's submission was made on the basis of 'substantial evidence' to prove the needs for the dwelling. The appellant's original submission was deficit of a number of key facts and evidence that set out the justification for the rural worker's dwelling. Having previously been through application and appeal processes for a similar proposal, the level of information necessary to demonstrate an essential need for a rural worker's dwelling should not have come as a surprise.
 7. It does not appear that the Council accepted the appellant's offer of a discussion about the need for any supplementary evidence. Though the appeal application was subject of an extension of time that provided an additional 10 days for the Council to deliberate its decision, no further evidence was before the Council at this point than in the early stages of the application process.
 8. Whilst I have agreed with the appellant, his case was supplemented by late evidence during the hearing which was ultimately determinative. Though there had been opportunities to include such evidence as part of the original application, even on a commercially confidential basis, or at least as part of the appeal statement of case, it was submitted at a particularly late juncture and was essential for me to reach the conclusion that I did. Whilst the role of the Council is to act proactively, there is also a need for participants to consider the comprehensiveness of their evidence base and the typical processing timescales and pressures to determine applications that also apply.
 9. Consequently, it is not clear to me that the Council has prevented or delayed development that should have been permitted on the basis of the evidence available to it at that time. Therefore, the appeal could not have been avoided and the appellant has not been put to any wasted expense.
 10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and that an award of costs is not justified.

Hollie Nicholls




INSPECTOR

Appendix 1

SWT Performance report								
Full definition	Target	Unit	Year to date	Direction of travel	Denominator	Year to date	Numerator	Year to date
% of major planning applications determined within 13 weeks (or within agreed extension of time)	75	%	89%	↓	Total number of major planning applications received	18	Total number of major planning applications completed within 13 weeks or agreed extension	16
% of minor planning applications determined within 8 weeks or agreed extension of time	65	%	80%	↓	Total number of minor planning applications received	171	Total number of minor planning applications completed within 8 weeks	136
% of other planning applications determined within 8 weeks or an agreed extension of time.	80	%	87%	↓	Total number of other planning applications received	359	Total number of other planning applications completed within 8 weeks or an agreed extension	311
% of appeals received that have been overturned	33	%	40%		Number of appeals received	25	Number of appeals overturned	10

* Although the current figures appear below target, these are cumulative totals, and projections show that the target will be met for the year end.

The column titled Direction of Travel, shows whether performance has improved, worsened or is similar to the last report for the end of July.

-  Performance has improved
-  Performance has got worse
-  Performance is similar

