

SWT Planning Committee

Thursday, 29th April, 2021,
10.00 am



Somerset West
and Taunton

[SWT VIRTUAL MEETING WEBCAST LINK](#)

Members: Simon Coles (Chair), Marcia Hill (Vice-Chair), Ian Aldridge, Mark Blaker, Dixie Darch, Ed Firmin, Roger Habgood, John Hassall, 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.

(Pages 5 - 8)

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.

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. 3/18/21/002** (Pages 9 - 26)

Installation of camera and 2 No. ticket machines with hard surfacing of internal road layout with removal of 4 No. signs and redundant ticket machine (retention of park works already undertaken) at Kilve Beach Car Park, Sea Lane, Kilve, KILVE
- 6. 21/20/0009** (Pages 27 - 36)

Replacement of agricultural storage building with the erection of 1 No. detached dwelling with associated works at Three Ashes, Langford Common Road, Langford Budville
- 7. 21/21/0005** (Pages 37 - 44)

Erection of a single storey extension to the rear and canopy at the front of the ancillary accommodation known as Cosy Cott at Toms House, Langford Budville Road, Langford Budville
- 8. 48/19/0065** (Pages 45 - 54)

Change of use of land from agricultural to canine activity training facility, provision of hard standing, field shelter and alterations to access on land at Cherry Grove Rise, Yalway Road, West Monkton
- 9. 3/26/19/016** (Pages 55 - 78)

Update report for the:

Erection of 9 No. dwellings with associated access, landscaping, public open space, drainage and footpath works at Former Nursery Site, A39, Washford, Watchet, TA23 0NT
- 10. 38/21/0014** (Pages 79 - 84)

Variation of Condition No's 02 (Approved Plans), 04 (Landscaping Scheme), and 06 (Wildlife Strategy) of application 38/17/0281 on land south of Weir Lodge, 82 Staplegrove Road, Taunton

11. Appeals lodged and decisions received

(Pages 85 - 122)

A handwritten signature in cursive script, appearing to read "James Hassett".

**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 - 18 March 2021 held via Zoom Video Conference

Present: Councillor Simon Coles (Chair)

Councillors Marcia Hill, Ian Aldridge, Dixie Darch, Roger Habgood, John Hassall, Mark Lithgow, Janet Lloyd, Chris Morgan, Craig Palmer, Andrew Sully, Ray Tully, Brenda Weston, Keith Wheatley and Loretta Whetlor

Officers: Rebecca Miller (Principal Planning Specialist), Martin Evans (Shape Legal Partnership), Nick Bryant (Assistant Director for Strategic Planning), Denise Grandfield (Planning Specialist) and Tracey Meadows (Democracy and Governance)

(The meeting commenced at 1.00 pm)

139. **Apologies**

Apologies were received from Councillors Blaker and Firmin.

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

(Minutes of the meeting of the Planning Committee held on 25 February 2021 circulated with the agenda)

Resolved that the minutes of the Planning Committee held on 25 February 2021 be confirmed as a correct record.

Proposed by Councillor Coles, seconded by Councillor Hill

The **Motion** was carried.

141. **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.	Reason	Action Taken
All Cllrs received correspondence from the applicant	19/20/0008	Personal	Spoke and Voted

142. **Public Participation**

Application No.	Name	Position	Stance
19/20/0008	Mr R Fowler	Local resident	Objecting
	Mrs P Fowler	Local resident	Objecting
	Mr R Down		In Favour
	Mr J Marks	Applicant	In Favour

143. **19/20/0008**

Application for Outline Planning with all matters reserved for the erection of 1 No. dwelling on land to the south of Mill Lane, Hatch Beauchamp

Comments from members of the public included;

- Concerns that the development was in the open countryside and outside the settlement limits of Hatch Beauchamp;
- Concerns that if approved the development would set a precedent which would allow for more local development on productive agricultural land;
- The applicant's business provided much needed local jobs in the village;
- The development would mean that the applicant would not have to travel to work;
- Living near the site would add extra security for the business;
- The Parish Council and several local residents supported the application;
- The development would mean that the business could expand and be a vast improvement to the village;

Comments from Members included;

- Concerns with the lack of 'Right to Build self-build plots' available;
- Concerns with the removal of the hedgerow and trees;
- The concerns with phosphate run off would not be a problem with this development;

At this point Cllr Morgan joined the meeting.

- The proposed development was not in a sustainable location;
- The development was in contravene of the basic local and National Policies;

Councillor Hill proposed and Councillor Lloyd seconded a motion for the application to be **REFUSED** as per Officer Recommendation.

The motion was carried.

144. **Latest appeals and decisions received**

Latest appeals and decisions noted.

(The Meeting ended at 2.22 pm)

Application No:	3/18/21/002
Parish	Kilve
Application Type	Full Planning Permission
Case Officer:	Briony Waterman
Grid Ref	Easting: 314512 Northing: 144240
Applicant	The Trustees SWLT
Proposal	Installation of camera and 2 No. ticket machines with hard surfacing of internal road layout with removal of 4 No. signs and redundant ticket machine (retention of park works already undertaken)
Location	Kilve Beach Car Park, Sea Lane, Kilve, KILVE

Recommendation

Recommended decision: Grant

Recommended Conditions

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

(A3) DrNo 18.03.21 Rev A Site Plan Proposed
 (A3) Location Plan
 (A3) Camera and Ticket Machines
 (A3) Site Plan Existing

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

- 2 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 (1 October to 31 March) from the date of commencement of the development. Written confirmation of the completion of the landscaping scheme shall be submitted to the Local Planning Authority.

(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 or are uprooted 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.

- 3 The redundant ticket machine and the four signs shown on the Site Plan as Existing shall be removed within three months of the date of this decision.

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

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 The applicant should be aware of the comments raised by the Environment Agency in relation to lack of flood warning available at the site and the need for the applicant to erect signs warning the public that the car park is liable to flood. In addition the Environment Agency has asked for a way of preventing people accessing the site in the event of a flood, and an emergency and evacuation plan should be prepared.

Proposal

Permission is sought for the installation of camera and 2 No. ticket machines with laying of hard surface area and hard surfacing of internal road layout with removal of 4 No. signs and redundant ticket machine (retention of park works already undertaken).

Site Description

The car park is located at the northern end of Sea Lane and is on privately owned land with access to Kilve Beach via a footpath to the North West. There is a small bridge at the entrance to the area and the parking meters and camera are located to the east as you enter the site. On the approach to the entrance are four signs, two on each side, advising drivers of the need to pay to park and it is private land. At the time of the site visit the area around the ticket machine was churned up mud. Further towards the main car park a number of signs are located along the boundary with the lane and towards the river. The car park is informal parking, in that there are no delineated spaces. There are trees to the East and West boundaries and the road to the north leads to the cricket club. The site lies within the Quantock Hills

Area of Outstanding Natural Beauty and to the north of the Chantry and St Marys Church both Grade II* listed buildings. A public right of way runs north through the site.

Relevant Planning History

No relevant planning history.

Consultation Responses

Kilve Parish Council - Objects to the unconsented extension to the Kilve beach car park and advises that the area should be returned to its pre-July 2020 condition.

The East Quantoxhead Estate (EQE) purports to operate on the 'Triple Bottom Line principle balancing environmental, social and financial considerations'. The unconsented works fall far below each of these principles.

Trip Advisor evidences the impact: from 6/19 to 7/20 of 15 posts about Kilve Beach 9 were 5* using the words: incredible, gorgeous, amazing, fantastic, wonderful and stunning.

Since July 2020 28 posts gave 1* using the words: bad experience, outrageous car parking, car parking scam - don't visit, avoid due to parking scam, parking fine even though i paid, awful- stung by fine, car park thieves, don't visit, exploitative parking fine compacy, extremely disappointing, hit with £100 fine - shame on you Kilve, nasty car park spoils lovely part of the world.

Clearly, opinion of Kilve village & beach has gone through a paradigm shift; predominantly positive encouragement to visit before the unconsented works, became extreme warning to avoid the area afterwards.

This action by EQE has destroyed any attempt at the principle of a Social Bottom Line. Policy 3 AONB conservation of the natural beauty of the landscape should be given priority over other planning considerations. Particular care should be taken to ensure that any development does not damage the landscape character of the area.

The unconsented extension includes the removal of wooden posts that protected the unimproved grassland and the tall herb and scrubland that bordered the public right of way to the beach. These were biodiverse habitats that supported wild birds, bats, small mammals, amphibians, insects and local flora. The work included scraping back the area with a mechanical digger. There was no published ecological survey of this land. It is now deeply rutted mud. This is in contravention of Policy 3, amongst others. The landscape character of the area should be restored.

The new signage is not in keeping with the AONB or the SSSI that is accessed along the public right of way. It is also at odds with the setting of the listed buildings.

When the area is restored as expected the new signs in the existing car park should be agreed with AONB officers to ensure they are in keeping.

Policy LB/1 Listed buildings and alterations will only be permitted where its features and settings are preserved.

The works to the extend the car park include urban signage, ticket machines, camera mast with anti-climbing spikes and electrical cable suspended in the Kilve Brook, Damage to the features and setting should be rectified to the satisfaction of AONB officers and KPC.

Policy 9 The Built Historic Environment The Character or appearance of Conservation Areas should be preserved or enhanced.

Urbanisation of the beach car park at Kilve is a retrograde step in relation to preserving the character and appearance of this area. The disingenuous design appears to have been developed in a way that traps customers into paying fines. The unconsented design encourages people to park in the extension area rather than the existing car park. The charges and reputation for fines also encourages visitors to park in Sea Lane. This is particularly acute near the Grade II* listed St Mary's Church and in the passing spaces. The placement of the ticket machines and ANPR camera and the fact the machines are cash only, coupled with a short grace period conspires to catch the unwary, drivers with carer duties and the disabled.

Policy CF2 relates to reducing ill health to maximise the attractiveness of walking and cycling and the provision for disability access.

The proposal makes no provision for disability access to Kilve Beach and coastal walks. The design disadvantages people with mobility issues. No spaces are allocated to the needs of people with disabilities. There are no concessions. It is 285m from the parking area near the beach to the ticket machine. A wheelchair user would find it difficult to reach the ticket machine in time and across the muddy access.

Walkers and cyclists are challenged in Sea Lane where it becomes narrowed when people park on the roadside to avoid the penalties and charges. This has become more of an issue since the ANPR camera was installed.

There is no evidence in the application for the need for additional spaces, 19 is a small benefit in relation to the environmental decision on the balance of harm caused against the perceived benefit gained.

Policy CC4 Development within the coastal zone.

The statement suggest the original car park cannot always accommodate all the cars. This assertion is not backed up with any empirical data. It is not clear why this is an essential development. The existing car park has been measured and generously accommodated 103 parking spaces. This is far in excess of the 67 the application proposes. The area should be restored to its original footprint until appropriate data is available. There is no environmental assessment of the impact of additional vehicles and people or the waste resulting from them.

The new camera system with associated charges and penalties is causing people

to park in Sea Lane more frequently. This has a cumulative impact on residents in Sea Lane, access to the farm & Chantry & to St Mary's Church.

Policy NH1 Proposals for development should sustain &/or enhance the historic rural urban & coastal heritage

The Statement suggests that income from the extended car park will contribute to completing the stonework being carried out to the Chantry. Whilst maintaining the Chantry is an obligation on the EQE it is not a justification for the harm to the environment & reputation of Kilve & should be met with or without the car park revenue.

Policy NH2 relates to the management of heritage assets & while this proposal is not directly related to the management of a heritage asset it is still considered relevant as the setting of the nearby listed buildings are affected by the proposal.

Policy NH14 QHAONB Applications for development should have regard to location, siting, orientation & landscaping to achieve high quality design & to ensure that the proposals conserve or enhance the natural beauty, wildlife, cultural heritage & tranquillity of the AONB

The proposal attempts to regularise the unconsented work carried out without addressing the key issues. The environmental impact significantly affects the biodiverse area from Sea Lane to the beach. There is a serious adverse effect on the visual appearance of the site. The urban nature of the camera mast & signage is not in keeping with the AONB & should be removed. Examples of alternative approaches are available in other AONB/National Parks car parking settings that could have inspired the development of the existing Beach Car Park. It is a challenge to the Triple Bottom Line Environmental principle.

Policy NC/1 The application site lies close the boundary of the Blue Anchor to Lilstock SSSI The need & reasons for the development have not been justified in the proposal. There is no detailed account of why the car park should be extended except from the clear commercial nature of the charges & penalty regime. This policy cannot be shown to be met. It is also a challenge to the Triple Bottom Line Financial principle.

Policy T/6 Planning permission for public or communal car parking

None of this policy is met by the unconsented works. The design appears to minimise the infrastructure costs & maximise the revenue with scant regard for the (presumably) unintended consequences of bringing the name of Kilve into disrepute. At peak times, Sea Lane is very busy. Since more people park in Sea Lane as a consequence of the car park charges & penalties, congestion & increased risk now exist. The hazard to road users is increased.

Policy T/7 outlines how many spaces are required for various uses

The proposal suggests that the car park extension would provide additional parking for the Church & Chantry. This is unlikely as the Chantry Tea Room has an adequate car park. The existing car park has more spaces than the proposal requires.

Policy T/9 Relates to developments incorporating footpaths into the design, taking

care to ensure that it is attractive & safe

The footpath & public right of way passes down the main access road to the existing car park. The unconsented extended car park now involves cars queuing in this area. The safety of pedestrians in this area has not been improved.

Policy R/12 Relates to permitting developments which would facilitate/enhance informal recreational activities & access related to the enjoyment & interpretation of the countryside:

(i) Be integrated with the Public Rights of Way system or public transport network.

(ii) Not adversely affect the character of the area; &

(iii) Not be likely to have an adverse effect on other land uses in the vicinity

Re. (ii) This development, if retained & approved, adversely affects the character of the area. It has a major impact on the appearance of the site.

Re. (iii) Adverse effect on agricultural operations. A significant amount of farm traffic uses Sea Lane, particularly between April & August. North of its junction with Hilltop Lane, Sea Lane is a cul-de-sac. Farm traffic, often with large trailers in tow cannot reverse easily when confronted with ordinary private traffic. Farm operations & road safety issues are often compromised when drivers park in Sea Lane. The increased ticket price for parking, together with the proposed changes is likely to exacerbate this situation.

In summary, the character of Kilve has been significantly impacted by the unconsented works. This has not enhanced recreational activities/enjoyment of the countryside. The environmental impact is unquantified. The EQE Triple Bottom Line ambitions of environmental, social & financial principles have been eroded

Conservation Officer - I have no objection to retention of the extension or the surfacing. I have no objection to removal of signs, ticket machine or introduction of a camera. The amount of signs to be retained should be kept to a minimum and removal of some signs is to be welcomed.

Highways Development Control - No observations

Rights of Way Protection Officer - We have no objections to the proposal, subject to the following:

1. General Comments

Any proposed works must not encroach onto the width of the PROW.

The following bold text must be included as an informative note on any permission granted:

Development, insofar 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.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted

that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so. If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

A PROW being made less convenient for continued public use.

New furniture being needed along a PROW.

Installing any apparatus within or across the PROW.

Changes to the surface of a PROW being needed.

Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<https://www.somerset.gov.uk/roads-and-transport/apply-for-the-temporaryclosure-of-a-right-of-way/>

SCC - Historic Environment -

Environment Agency - The Environment Agency OBJECTS to this application as it is not supported by a Flood Risk Assessment (FRA). We are therefore unable to determine if the development is in accordance with the National Planning Policy Framework (NPPF).

The application site lies within Flood Zone 3, which is land defined by the planning practice guidance as having a high probability of flooding. The NPPF (paragraph 163, footnote 50) states that an FRA must be submitted when development is proposed in such locations.

A FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development are unknown. This is sufficient reason for refusing planning permission.

The FRA will need to confirm that the ground level has not been raised as a result of the work. If it has, floodplain compensation will need to be provided or ground returned to the previous level.

The site is at risk of flooding from the river and flood warning is not available for this area. Therefore, there is no means to warn people when flooding could be expected.

The applicant will need to make the site safe for its users. As a minimum the applicant will need to erect signs warning the public that the car park is liable to flood. Ideally there should be a way of preventing people accessing the site in the event of a flood, and an emergency and evacuation plan should be prepared.

To overcome our objection, the applicant should submit an FRA which demonstrates that the development is safe without increasing risk elsewhere. Where possible, it should reduce flood risk overall.

If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it.

Somerset County Council - flooding & drainage - no comments received

SCC - *Ecologist* - No comments received.

Quantock Hills AONB - The Quantock Hills was the first landscape in England to be designated as an Area of Outstanding Natural Beauty (1956). The primary purpose of AONB designation is the conservation and enhancement of the landscape's natural beauty. The Quantock Hills AONB Service, on behalf of its Joint Advisory Committee, undertakes its work according to this primary purpose – to ensure this beautiful and nationally protected landscape remains outstanding now and into the future.

Please accept the following within this context.

It is not clear from the application where the actual boundary is between the proposed and existing car parks and why there needs to be a total of 9 signs to cover this area, (not including the camera mast and ticket machines). Inappropriate design and quantity of signage can cause harm to the protected landscape within the AONB as is clearly shown by the current arrangement. Although the application proposes to reduce the number of signs by 4 and relocate some of the existing signs, this does not represent enough mitigation to warrant acceptance. The urbanisation effect of these proposals is what is causing harm.

The primary consideration however is whether this extension is actually needed and if so, whether this need outweighs the potential harm to the landscape and character of the area. Google Street View compared to the current photos seem to illustrate this point. The proximity of the historic buildings must also be taken into account. It is not just the infrastructure that has an impact but also the parked cars themselves. The AONB's primary purpose is to conserve and enhance the protected landscape.

“In exercising or performing any functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty”

The need for this extension has by no means been proven as The Design and Access and Heritage Statement clearly states that the extension is not being provided for extra users, “The car park extension has not been proposed to attract extra users but to accommodate those who already use the existing car park”. However, it seems that the extension is required because of the following statements,

“as it has been proven that the car park extension is required as the original car park cannot always accommodate all the cars especially in the summer months.”
and

“As the extension has been provided as the original car park cannot always accommodate all the cars there is no over provision of parking.”

Within the application there appears to be no evidence to prove that this extension is required, contrary to the rather vague statements above. In fact, there appears to be clear evidence from the Parish Council and other local people that the available spaces in the existing car park are sufficient.

The National Planning Policy Framework (NPPF revised June 2018) provides specific planning guidance in relation to AONBs, stating in paragraph 172 that, Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

The 'great weight' test is a significant one and the AONB Service therefore asks that when making a decision, the Planning Authority gives due consideration to the above, especially paragraphs a) and c).

The AONB Service therefore does not support this application as it is at odds with National and Local Planning Policy relating to AONBs. The importance of the tourism industry to the local economy is recognised but it is essential that the very reason for people wanting to visit the Quantock Hills is not compromised by the inappropriate siting of support facilities.

The permanent change to the landscape's character that will result with this development is

marked and it is not clear how this change will conserve or enhance the AONB. The removal of the wooden bollards, erected under grant aid from Natural England to protect the verges, has not helped conserve or enhance the area. It is considered important to draw your attention to the Quantock Hills Management Plan 2019-2024, Chapter 2.6 'Development Planning and Infrastructure'

The impact on the AONB's special qualities by development in the setting of Quantock Hills needs to be fully considered in the planning process in line with NPPF paragraph 172. The setting of the Quantock Hills AONB is the area within which development and land management proposals, by virtue of their nature, size, scale, siting, materials or design can be considered to have an impact, positive or negative, on its natural beauty and special qualities. This includes threats to tranquillity from light pollution, recreation and tourism pressures, traffic and noise.

It is not in the interests of the AONB Service to object to planning applications where it is not considered there to be a threat to the natural beauty and character of the landscape. The Quantock Hills and the immediate environs form a living and working landscape which will not remain unchanged but the key consultative role that the Service has is to try to help ensure that change does not threaten the special character and qualities for which this landscape is recognised and nationally designated.

Habitats Regulations Assessment

Due to the location and nature of the proposal it is considered that a HRA is not

required.

Representations Received

35 letters of objection making the following comments (summarised):

- Not in keeping with the area
- destruction of wilder grass banks in search for more car parking spaces
- Signage has resulted in an eyesore
- Machines should be closer to the main car park and allow paybyphone or card payments, heavy fines for those who park, walk up, realise it is cash only and then leave as they have no cash
- putting a reinforcement and re-seeding would eliminate the muddy mess
- Damage to the grass verges
- too many signs
- Current installation does not appear to meet any of the local policies to conserve and enhance the special character of the AONB
- Within the Quantock Hills AONB and SSSI
- Nearby listed buildings, St Marys Church, The Chantry
- machines and signs are unsightly and negatively impact on the historic character of the area
- wording of the signs can be perceived as aggressive in nature and negatively impact on the sense of place
- Now charging disabled drivers to park, previously free, kilve beach front is the only outdoor area in Kilve parish which is accessible for wheelchair users, if they are now charged appropriate facilities need to be provided, current machines are too high, no disabled spaces laid out.
- The setting is a rare and unusually well-preserved encapsulation of a former rural England, dating to at least the 14th Century.
- Meters and signage are insensitive and out of keeping with the aesthetics and history of the area
- proposed laying of tarmac or concrete in place of wildflowers and grassland on verges completely changes the character
- Over zealous use of fines does nothing for the tourism industry which West Somerset depends
- application attempts to downplay the impact on the environment by referencing the changes from what is there now
- application is retrospective, no attempt to liaise with local residents
- changes have destroyed a previously dense, beautiful wildlife area, no attempt to compensate by improving the environment elsewhere
- changes have already resulted in a reduction in the beauty of the spot- as evidenced by the number of negative comments on trip advisor, entire site is now mud and bare earth
- the application understates the capacity of the existing car park which was rarely, if ever full.
- the illegal signage causes confusion, visitors contact the parish to complaining which impacts adversely on the reputation of the village
- the inability to pay other than in cash and the mudbath means cars parking along the narrow approach road, could lead to problems for farm and emergency vehicle

- application claims that the car park visitors can use the Chantry tea rooms which is isn't necessary as the tea rooms have ample parking of its own, likewise the church.
 - SW&T have not been given the full "before and after" picture of the condition of the site prior to the works being carried out last summer
 - Area was protected from vehicular use and damage by rows of wooden bollards along the roadside - protecting the grassland behind
 - Contrary to policy NH14 - detract from the rural appearance of the site
 - Contrary to policies 3 and 9 does not preserve and/or enhance the setting
 - no need for car park to be extended, nor has a need been demonstrated
 - The camera should be located off the public right of way so as to capture only those intending to park
 - SW&T should not approve this application as it is easier and more convenient to do so.
 - two machines erected at the entrance should be in the existing car park further down
 - Parking charges are too high
 - Amount of traffic up and down sea lane will only get worse
 - No evidence of planning notification on the site
 - Not in keeping with this AONB
 - Only accept cash,
 - Signage for the car park is not in keeping
 - ill-conceived and poorly considered plan
 - little regard has been given to the regulations and byelaws pertaining to the changes in the AONB and close proximity to an SSI
 - new parking area needs to be returned to its previous natural state
 - cricket ground must be accessible for members and teams without incurring fines
-
- changes to the carpark should be more sympathetic to the AONB
 - payment should be more transparent and user friendly
 - should refuse the application and instruct the immediate repair and reinstatement of the verges
 - Cash only does not facilitate an easy or COVID safe payment in an increasingly cashless society
 - mental well being of residents cannot be ignored, muddy mess and destruction of a beautiful area causes stress and anxiety
 - deprives us of the enjoyment of our local amenity
 - saddened to see the extent of urbanisation
 - placing the meters together leads to a bottleneck
 - damage to the relationship between the estate and the community
 - about profit not than benefit for the community or the environment
 - added inconvenience of giving cricket club number plate so don't get issued with a fine
 - no positive development proposed to negate the impact of the extended car park
 - Wooden posts should be reinstated
 - contrary to policy LB/1 and HH1 and T/7
 - Despite the application stating some signs will be removed it is an increase in signs of 5 from what was there before
 - no evidence of demand for increased parking
 - no current control of spacing between vehicles, half-round timber stapled into the

ground or short wooden posts at the end of each bay to guide drivers, either would be aesthetically and environmentally acceptable route more so than the new parking area

- meters are too far from and outside of the original car park
- Sea lane becoming far too busy with traffic and be even more dangerous for walkers
- misleading to the location of the main car park
- example of creeping urbanisation into the countryside

One letter of support making the following comments (summarised):

- Local post office and shop benefit from the trade as do the pub, tea rooms etc.
- additional car parking should be tarmac or hardcore to prevent a mudbath
- Beach will be packed in summer regardless of the car park planning application, expanding the car park will help prevent cars parking down Sea Lane
- Better to have the trade and a thriving village than a ghost village
- Proposal to remove the redundant ticket machine and sign next to The Chantry to be supported

One letter making comments neither supporting or objection making the following comments (summarised):

- agree that the landowner having the ability to charge appropriately for parking on his land, however the land has been destroyed by the removing of the bollards
- need more machines not less located at the beach end
- wildflower areas need to be reinstated

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

OC1	Open Countryside development
NH14	Nationally designated landscape areas
EC9	Tourism outside settlements

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

OC1	Open Countryside development
NH14	Nationally designated landscape areas
EC9	Tourism outside settlements

Determining issues and considerations

The proposal relates to the retention of signs and parking meters, camera and sign, the use of the land as a carpark is an established use. There was an existing ticket machine to the south of the site which will be removed as part of this application. It is therefore considered that the proposal is acceptable in principle as there was a previous pay and display and signs and ticket machines are an expected feature within car parks. Therefore the main issues for consideration is the impact upon the setting of the Quantock Hills Area of Outstanding Natural Beauty.

Amendments to the application.

Following the objections received the agent has removed the enlargement of the car park from the application as shown on plan 18.03.21 Rev A there is no longer an area of hardstanding proposed between the ticket machines and the original car park. In addition the plan shows an area of new planting of mixed native species to the south of the ticket machine, this will provide additional screening of the machines from the south and when viewed from the north, which will help to reduce the visual impact and provide additional benefits to the biodiversity of the area which a number of objections has stated in being lost. A condition has been included to ensure this is done within the first planting season.

Impact upon the AONB

An area of concern that was raised by a number of objectors and by the AONB service is the impact of the proposal upon the setting of the protected area. The AONB state that it is the urbanisation effect of these proposals that are causing the harm. Paragraph 172 of the National Planning Policy Framework states that great weight should be given to conserving the landscape and scenic beauty of AONB. The application requires the removal of a redundant ticket machine outside of the existing car park and the removal of signs on the approach. The amendments to the application remove the extension to the car park and include planting to soften the impact of the machines. It is considered that the addition of a ticket machine will not cause significant additional harm to the setting of the AONB. Its location is better screened than the existing. It is noted the number of signs prove obtrusive and out of keeping with the aesthetics of the area and the removal is to be welcomed. The

remaining five signs within the existing car park are located at intervals along the length of the carpark and will be partially screened from long views by the existing screening to the north and south.

Highways

The Highways Authority have stated "no observations" for the proposal as the development is within private land and will not have an impact upon the adopted highway. It is considered that due to the location of the signs and meters that there would not be an adverse impact upon highways safety.

Setting of the listed buildings

Section 66 of the Planning (Listed Buildings and Conservation) areas act requires that special regard is paid to the desirability or preserving the listed building, its setting and any feature of historic or architectural interest when deciding whether to grant planning permission.

Due to the location of the proposal it is considered that it would not cause significant harm to the setting of the Grade II* listed buildings located to the south west of the proposal. The application removes two of the signs on the approach and removes the previous ticket machine which was located to the east of The Chantry. The removal of this machine and the location of the current ticket machines to the north is considered an improvement. Comments received from the conservation officer have raised no issues in relation to the setting of the listed buildings.

Flooding

The Environment Agency has raised an objection based on the lack of a flood risk assessment. A FRA has been undertaken by the agent and submitted to the EA. Given that the addition of signs and ticket machines are unlikely to give rise to flooding and that the use of the site does not fall within the vulnerable category, it is considered that there would not be a significant rise in flood risk from the proposals. There has been no alterations to the ground levels of the site and the areas of hardstanding to support the ticket machines and metal posts is minimal. The second part of the EA's objection relates to the lack of signage informing users that the car park is liable to flood. To this end a condition has been included to ensure that the signs required by the EA are submitted to and erected on site within six months of the date of the decision.

Comments

There have been 37 different comments received from the neighbours, 35 in objection, one in support and one neutral. These comments and those made by the

Parish Council can be broken down into the following themes.

Firstly the costs of parking and the fines levied, negative comments on trip advisor, being retrospective and how users can pay for parking these are not material planning considerations and therefore cannot be taken into consideration when determining the application, likewise the removal of the wooden posts and the state of the grass verges are outside the remit of control for this application.

Secondly the number of signs at the site, four of the signs are to be removed leaving eight interspersed along the approximately 290m length of the existing car park. This number of signs is stated by the agent as the required amount to ensure that users of the car park are aware of the need to pay, It is noted that the signs are not in keeping with the aesthetics of the area, however the long views towards the site are screened by the existing boundary treatments.

Thirdly the impact on Sea Lane and cars being parked along the road. This is outside the remit of this application. There has been a ticket machine at the site prior to the installation of the current ticket machines and this application has no control over where users of the beach park their cars.

Fourthly, the environmental impact of the extended car park. There have been several comments made about the destruction of wildlife habitats and the impact the car park extension will have on both the visual amenity and the environment and the need for the extension when the existing car park is rarely full. The agent has taken these comments and as such this element of the proposal has been removed.

Fifthly the impact upon the AONB and listed buildings, these concerns have been covered above.

In addition to the above concerns raised several make reference to policy. In particular policies LB/1, CF2, CC4, NH1, NH2, NH14, NC/1, T/6, T/7, T/9 and R/12. Policies LB/1, NH1 and NH2 are not considered relevant as the proposal is not considered to affect the setting of the listed buildings or historic environment. Policy CF2 relates to planning for healthy communities and is not considered relevant to this application as the provision for walking and cycling have not be impacted by the proposal. Policy T/6 relates to new car parking in villages, this site is an existing car park again T/7 for non residential parking, the car park is in situ the application is for the signs and ticket machines. Policy R/12 for informal recreation facilities the proposal does not impact upon the use of the site, it was a pay and display car park prior to the installation of the current ticket machines. Policy NH14 relates to the protection of nationally designated landscape areas, the amended proposal is not considered to have a significant impact upon the AONB as outlined above. Finally comments have been raised that there was no notification displayed at the site, a notice was displayed on the 25th February notifying users of the site of the application.

Agent response

The agent has responded to a number of the objections raised and responds to the

location of the machines being where they are due to the laying of power cables and addresses the issues raised in relation to payment methods. The letter goes on to address the number of signage, required under industry guidelines and the destruction of the grass verges. The agent states this has been done by inconsiderate parking and the works undertaken by the applicant involve the removal of brambles.

The applicant should be aware of the provision of facilities for disabled users of the carpark and ensure the ticket machines are appropriate for all users.

Conclusion

In conclusion the removal of the car park extension from the application alleviates many of the concerns and issues raised from both neighbours and the AONB about the need and the impact of the proposal. The addition of native planting adjacent to the ticket machines will soften their visual impact. It is therefore considered that planning permission be granted.

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



21/20/0009

MR A BELLAMY

Replacement of agricultural storage building with the erection of 1 No. detached dwelling with associated works at Three Ashes, Langford Common Road, Langford Budville

Location: THREE ASHES, LANGFORD COMMON ROAD, LANGFORD
BUDVILLE, WELLINGTON, TA21 0RW

Grid Reference: 310834.122583 Full Planning Permission

Recommendation**Recommended decision: Refusal**

- 1 The proposed development is outside the defined settlement limit of Langford Budville, within open countryside. The site is also located in an unsustainable location with no bus service and limited facilities within the village. It is likely that occupiers of the proposed development will be reliant on private cars to access facilities and amenities that are not available within walking vicinity of the site. The proposal is therefore contrary to Policies SP1, SD1, DM2, CP1, CP6 and CP8 of the Taunton Deane Core Strategy and Policies A5 and SB1 of the Taunton Deane Site Allocations and Development Management Plan.
- 2 The proposed development would adversely impact upon the Somerset Levels and Moors Ramsar site by adding to the concentration of phosphates in the area where they are already excessive. In the absence of technical information demonstrating the level of phosphates generated by the development, it is not possible to produce a Habitat Regulations Assessment or put in place the measures necessary to off-set the impact. As such the proposal is contrary to Policies C8, Environment, and DM1, general requirements, of the adopted Core Strategy and Paras. 175-177 of the NPPF.

Recommended Conditions (if applicable)

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 entered into pre-application discussions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

Proposal

It is proposed to demolish an agricultural building within a small landholding and erect a 3 bed dwelling.

With the use of retaining walls the 2 storey dwelling will be set into the sloping ground with 2 1/2 sides below ground level.

The ground floor will comprise 3 en suite bedrooms and the first floor: open plan kitchen/living room, utility room, lounge, WC and storage.

The ground floor external walls will be rendered and the first floor above ground level will have horizontal timber cladding. Windows and doors will be of grey UPVC and the dwelling will be topped by a sedum and wildflower roof.

A timber decked balcony will lead from the dining area with an upper patio beyond. A Juliet balcony will also be provided off the lounge. The dwelling will be powered by PV panels on existing buildings and a passive heat retention system will be used, backed up by a ground source heat pump to provide heating and hot water. Foul water will be disposed of by a foul water treatment plant with an associated reed bed.

Parking is to be provided to the side of the dwelling on a loose gravelled area and the internal access to Hilltop (the applicant's dwelling) will be stopped up so that Hilltop and the new dwelling have separate entrances.

Site Description

The application site is to the south west of Langford Budville and falls outside the settlement limits.

The site entails an agricultural building which forms part of a 3 acre holding including the applicant's home which is a detached dwelling to the east called Hilltop. Access to the site is via an existing access off the Class 3 road that leads into the village. The village playing field is opposite the access.

Relevant Planning History

21/18/0013/ENQ - Pre-application enquiry for conversion of barn to dwelling or new dwelling. Advice never provided by the LPA. This proposal is the subject of this application.

21/07/0013 - Erection of 1st floor extension over bungalow - Conditionally approved July 2007.

21/03/0026 - Erection of extension to form new roof and conservatory- Refused February 2004.

Consultation Responses

LANGFORD BUDVILLE PARISH COUNCIL - No objection to this application. We support the application.

Further comments received:

Whilst the proposed development is outside of the defined settlement limits of Langford Budville and within open countryside, the Parish Council believe it is appropriate in terms of the scale of the building and the positioning not to cause any nuisance. The Parish Council fully supports the application. The eco-design is ideal for a sustainable future. The proposed building is replacing a current structure, not compromising the green wedges, open breaks between settlements. Unfortunately no bus service or local shops is all part of the modern world, as due to local authority cut-backs very few villages can or will have public transport in the future.

SCC - TRANSPORT DEVELOPMENT GROUP - Recommend Standing Advice.

WESSEX WATER - No objection to the application and recommend advisory notes covering foul sewerage, new water supply connections and affected sewers/water mains.

SCC - ECOLOGY -The following comments were submitted prior to the need to consider the application against the Habitat Regulations.

'Quantock Ecology carried out a Preliminary Roost Assessment of the application site in June 2020. This found that the barn had negligible potential for roosting bats. As no bat activity surveys have been undertaken I have to assume the presence of light averse species. A lighting design for bats condition is recommended.

Nests characteristic of swallows were noted built on the rafters of the internal roof. Swallows are on the nest into September. A condition is recommended to ensure no demolition takes place between 1st March and 30th September inclusive unless a competent ecologist is present.

Swallows are loyal to nesting sites and have been in decline since the 1970's across Europe. The loss of barns and other shelters to accommodation has continued this decline so that recently the species has been placed on the amber list of birds of conservation concern. The design of the dwelling does not facilitate mitigation for loss of swallow nesting sites. However, the site were not occupied in May so are likely to have fallen out of use for some reason'.

Comments made following the advice received from Natural England that the application may require a Habitats Regulations Assessment:

'To complete the Habitats Regulations Assessment information on how foul water is to be dealt with will be required, this will either be through a mains wastewater treatment plant or a site package treatment plant or septic tank. If it is via the main wastewater network the Wastewater Treatment Works, and the permitted amount of phosphate for the works must be provided. Where using Package Treatment Works information on the efficiency of the plant in treating phosphates will be required.

In addition, Natural England advise that mitigation will need to be identified and secured by the applicant in order to complete the Habitats Regulations Assessment. For mains wastewater treatment this can be funding for habitat creation or agricultural land taken out of production in the Levels and Moors

catchment. A strategic approach is being developed to enable developers to purchase mitigating habitat creation. However, locations and their viability for habitat creation has yet to be determined, as has a scheme for financial contributions per dwelling to this habitat creation. This is likely to take some time and will inevitably lead to delays in determining housing applications, as it has elsewhere, for example in Hampshire where the Solent SAC was affected. Alternatively an applicant may source their own mitigation. For Package Treatment Plant this can be a small wetland, specifically designed to remove phosphates, its area depending on the amount of phosphate kilograms produced from the proposed development per year. The mitigation will be required to be implemented prior to commencement or will then need to be in place before any dwelling is occupied depending on the certainty of the scheme offered. Once the above details have been submitted the Local Planning Authority, as the competent authority under the Habitats Regulations 2017, will be able to carry out the Habitats Regulations Assessment. Note a response on this assessment is required from Natural England before a decision can be made on the application.

Habitats Regulations

The application site falls within the catchment flowing into the Somerset Levels and Moors Ramsar site. The formation of a new dwelling will result in an increase in phosphates contained within foul water discharge. As such a Habitat Risk Assessment maybe required. As the proposal is recommended for refusal, it was considered expedient to include a HRA refusal reason in the report, as no Habitats Regulations Assessment has been made to demonstrate that the proposed development will be phosphate neutral.

Representations Received

Somerset Wildlife Trust have noted the supporting Assessment from Quantock Ecology and fully support the recommendations in Section 4 of the Assessment in respect of measures for Mitigation and Enhancement. They request these recommendations are conditioned if planning permission is granted.

4 letters of representation from neighbours have been received in support of the application for the following reasons:

- Ideal location for a single dwelling
- No negative impact to the village
- The plans look interesting, the building is modest and uses ethical and environmental technology.
- Creative projects like this should be supported
- It is fully in keeping with the environment and character of the village
- The applicants have lived in the village a long time, support local events and support others well being

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless

material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

CP8 - Environment,
CP6 - Transport and accessibility,
SD1 - Presumption in favour of sustainable development,
SP1 - Sustainable development locations,
DM2 - Development in the countryside,
SB1 - Settlement Boundaries,
A5 - Accessibility of development,
DM1 - General requirements,
D7 - Design quality,
D10 - Dwelling Sizes,
D12 - Amenity space,
CP4 - Housing,
CP1 - Climate change,

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.
Proposed dwelling measures approx. 195sqm

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £24,500.00. With index linking this increases to approximately £34,750.00.

Determining issues and considerations

The main issues in the consideration of this application are the principle of development, visual impact, residential amenity, highway safety and ecology.

Principle of development

The application site lies outside the defined settlement boundary of Langford Budville by approximately 100m. Therefore Policy SB1 within the Site Allocations and Development Management Plan (SADMP) will be relevant which states that in order to maintain the quality of the rural environment and ensure a sustainable approach to development, proposals outside of the boundaries of settlements

identified in Core Strategy Policy SP1 will be treated as being within open countryside and assessed against Core Strategy policies CP1, CP8 and DM2.

Core Strategy Policy SP1 establishes the desire to provide sustainable development focusing development at the most sustainable and accessible locations. This policy states that outside of the settlement boundaries, development will be treated as within open countryside and therefore Policy DM2 shall be applied which identifies the type of development considered as acceptable within the open countryside. New open market housing is not listed under this policy. However, that does not mean to say that it should be refused as supported by appeal reference, APP/D3315/W/17/3179264. In this appeal the Inspector concluded that if a use/development is not explicitly listed under Policy DM2, it does not follow that it should be refused. Such proposals should be assessed under Policy CP8 and CP1. Therefore the principle of residential development on this site cannot be ruled out, subject to the consideration of other material considerations.

Core Strategy Policy CP8 states that unallocated greenfield land outside of settlement boundaries will be protected and where possible enhanced. Development outside of settlement boundaries will be permitted in limited circumstances subject to a number of criteria including *"be appropriate in terms of scale, siting and design; and protect, conserve or enhance landscape and townscape character whilst maintaining green wedges and open breaks between settlements; and provide for any necessary mitigation measures."* The proposed dwelling will replace a small timber clad agricultural building. The footprint of the dwelling will be no larger than the agricultural building and the building will be no higher with the ground floor located below ground level. The first floor would be visible but would be timber clad so would be of a similar appearance to the agricultural building. I am satisfied that the dwelling would have no greater impact on the landscape than the existing building.

Core Strategy CP1 states that proposals should result in a sustainable environment, and will be required to demonstrate that the issue of climate change has been addressed by reducing the need to travel through locational decisions. Policy A5 relates to accessibility. It states that residential development should be within walking distance of, or should have access by public transport to, a range of services and facilities.

The proposed dwelling would be located outside of the settlement boundary, albeit not isolated from other dwellings. It would be within walking distance of the main part of the village, where there are a limited number of facilities including a church, primary school, village hall, public /house restaurant although it has been reported that it has not reopened since lockdown. For other day-to-day services such as education and healthcare, occupants would have to access the nearby settlements of Taunton or Wellington. With no public transport from the village the applicant would be reliant on the private car for these services. The proposal therefore conflicts with Policies A5 and CP1.

In a similar application (07/19/0003) to erect two open market dwellings at Bradford on Tone, planning permission was refused as the site was also outside of the settlement limits, albeit again not far but was considered to be in an unsustainable location as the village had limited facilities and the walk to the bus stop was 1 km. The decision was appealed (APP/W3330/W/20/3252720) but in the decision

(August 2020), the inspector dismissed the appeal. The inspector concluded '*...the appeal site is not a suitable location for new dwellings having regard to accessibility to services. It would therefore conflict with Policies SP1, SD1, DM2, CP6 and CP8 of the Core Strategy and Policies A5 and SB1 of the SADMP. These policies together and amongst other things seek sustainable development that reduces the need to travel, require residential development to be accessible by public transport, protect unallocated land and restrict development outside of defined settlement boundaries and within the open countryside*'.

Outline planning permission was granted in 2014 (21/14/0003) for the erection 8 houses to the north of the application site adjacent to the village hall. Although this site is also outside of the settlement limits, Policy DM2 does allow for 100% affordable housing developments in an open countryside location. This application related to a 50:50 mix of open market/ affordable housing. NPPF guidance para 77 does enable LPA's to support open market houses in such instances where it provides affordable housing to meet an identified need. A need for affordable housing had been demonstrated in this case to allow such development in an unsustainable location.

The proposed development is for a single open market dwelling. Due to the limited facilities in the village and the fact there is no public bus service to the closest centres to get the majority of services, the development is in an unsustainable location. The proposal does not meet any of the criteria in the NPPF for a rural home that can be supported in such a location and therefore the proposal is contrary to both national and local planning policy.

Impact on character of the area

The proposed dwelling would not be dissimilar in appearance to the agricultural building. The site is almost entirely enclosed by hedgerow bordering the adjoining field and so there would be limited public views of the dwelling.

Para 79 of the NPPF supports development of homes in the countryside if they are of exceptional quality design. Although the sustainable elements of the scheme are welcomed, the design is not considered 'truly outstanding or innovative..' as set out in the NPPF.

The dwelling however through it's design, scale and siting would have no impact on the character of the area.

Amenity

Other than the applicant's existing dwelling, the proposed dwelling is sited over 100m from the nearest dwellings and separated by a small field bounded by hedging and the public highway. The applicant's home to the west is 50m away. There will be no loss of privacy due to the distances involved.

In terms of amenity space for the occupants. SADMP Policy D12 'Amenity Space' requires a private garden to be provided for a 3 bed dwelling. Due to the construction of the dwelling into the sloping land a decked balcony will be provided off the first floor with upper patio beyond. A further patio area will envelope the ground floor along the southern and eastern elevations. Parking for cars on a loose

gravel area will be to the northern side of the dwelling where there is ample space for refuse storage.

Policy D10 'Dwelling sizes' sets out that a 3 bed 6 person 2 storey dwelling should have a minimum floor space of 97sqm. The Council's CIL officer has measured the floor space to be 195 sqm.

Highway safety

The dwelling will be served by an existing access off the Class 3 road that enters the village. This access can currently be used to access the barn/adjoining field and also the applicant's dwelling Hilltop. The applicant intends to block off the internal link that enables access from this entrance to Hilltop and utilise a separate access to his home. The proposed access for the dwelling would therefore change very little in terms of usage, still serving just one dwelling and the adjoining land.

In assessing the application against the Council's car parking standards, a 3 bed dwelling in this location would require 3 parking spaces. Although only 2 informal spaces are shown on the plan, I believe there is ample space for a third and turning space so that vehicles can enter the classified highway in forward gear. The proposal is acceptable on highway safety grounds.

Ecology - Habitats Regulations

The proposal was initially considered by the county ecologist prior to the need to assess the phosphate impact of development.

In relation to the demolition of the agricultural building, an ecological report was submitted in support of the application. The Council's ecological advisor recommended no objection to the loss of this barn subject to no demolition during the nesting season unless an ecologist is present.

The site however falls within the River Tone catchment area that requires consideration under the Habitat Regulations in relation to phosphate generation. The LPA needs to be satisfied that the development will be phosphate neutral and will not generate increased phosphate levels that could further harm the Somerset Levels and Moors Special Protection Area (SPA). The SPA is also designated as a Ramsar Site.

The applicant has confirmed the use of a sewage treatment plant in conjunction with a reed bed filtration system to deal with foul water. The Council's ecological advisor has stated the following:

'With regard to mitigation this needs to be permanent. This can be woodland planting or specific wetland creation (reedbeds are not the most efficient and Natural England advises a specialist be employed to design the wetland), which takes up far less area than the former. However, a condition for wetland creation on small sites cannot be reasonably enforced as within the medium to long term it is likely to scrub up if not managed and therefore would not be effective for the lifespan of the development. I cannot see a LPA wishing to take on the bureaucracy indefinitely. The alternative to woodland therefore, would be to purchase habitat within a strategic managed wetland creation scheme, which hopefully will be brought forward

through the Nutrient Strategy currently in process'

The efficiency of the package treatment plant is currently unknown and also the figure for the phosphate kilograms that would be produced from the proposed development in a year. A Habitats Assessment has therefore not been completed and thus a reason for refusal on Habitat Regulations grounds has been included.

Other matters

The fact that the applicants have resided in the village for many years and are good supporters of the village is not a material planning consideration.

Conclusion

The proposed development is outside the defined settlement limit of Langford Budville, within open countryside . The site is located in an unsustainable location with no bus service and limited facilities within the village. Occupiers of the proposed development will be totally reliant on private cars to access facilities and amenities that are not available within walking vicinity of the site. The proposal is therefore contrary to Policies SP1, SD1, DM2, CP1, CP6 and CP8 of the Taunton Deane Core Strategy and Policies A5 and SB1 of the Taunton Deane Site Allocations and Development Management Plan. In addition the proposal has not satisfied the Habitats Regulations in terms of being a phosphate neutral development and for these reasons is recommended for refusal.

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

Contact Officer: Mrs K Wray

21/21/0005

MS J CATHCART

Erection of a single storey extension to the rear and canopy at the front of the ancillary accommodation known as Cosy Cott at Toms House, Langford Budville Road, Langford Budville

Location: TOMS HOUSE, LANGFORD BUDVILLE ROAD, LANGFORD
BUDVILLE, WELLINGTON, TA21 0QZ

Grid Reference: 311094.12274 Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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 2021005 004 Location and Block Plan

(A3) DrNo 2021005 006 Proposed Drawings of Cosy Cottage

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

3. The extended building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling currently known as Toms House.

Reason: To prevent the building being occupied as a separate unit of accommodation.

4. The following will be integrated into the design of the buildings and site plans:

A. Installation of 1x Kent bat box, purchased or built, on to the building facing

southwest at a height above 3m.

B. Installation of 1x standard bird boxes, purchased or built, on to the building between 1.5-3m in height on the north-eastern elevation and maintained thereafter.

Photographs of the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to occupation.

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

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. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.
3. The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

Proposal

This application seeks approval for the erection of a single storey gable extension off the rear (west) elevation of the ancillary annexe accommodation, to provide two additional bedrooms for the household and specifically for the accommodation of two carers for the applicants' son whose needs require the 24 hour care of two carers. The proposed extension would project by 5.30m, reach a max.height of 4.50m with eaves at 2.30m from ground level. New windows are proposed on the south east and north west elevations of the extension. Proposed materials will match the existing building. Permission is also required for the retention of a 2.50m high canopy/veranda projecting off the front elevation, as canopies and verandas are not permitted development.

Site Description

The main dwelling is a detached two storey 5 bed roomed dwelling, finished in render under a pitched roof of double roman tiles. Set on a level site, in an area of back land to the rear of the Martlett Inn. There is a private drive to the highway, no road frontage and it overlooks an associated field converted to domestic curtilage in 2018 to the south east. There are neighbouring dwellings to the north, north east and south west.

The detached single storey annexe/ancillary accommodation to the main dwelling, subject of this application, was converted from a garage in 2018. It is sited outside of the settlement boundary of the village. It is finished in render under a pitched roof of interlocking concrete tiles to match the main dwelling. It has velux windows in the north east roof slope. The NW boundary of the application site is formed by a 2 metre high wall and fence. To the SW the garden of the adjacent property Trevelgue is slightly elevated, with a hedge forming the boundary treatment with the application site. To the SE is the domestic land belonging to the main dwelling. Off-road parking and turning space for at least three vehicles is provided to the rear of the annexe building.

Relevant Planning History

21/18/0002 - Erection of a single storey flat roofed extension and balcony on the south east elevation and change of use of former garage to ancillary accommodation - CA

21/18/0023 - Change of use of land from agricultural to domestic and associated works including wheelchair accessible paths and erection of shed/art room - CA

21/20/0008 - Erection of a single storey extension to the annexe - WDN

21/21/0004 - Erection of summer house - Yet to be decided.

Consultation Responses

LANGFORD BUDVILLE PARISH COUNCIL - The Parish Council object to the planning application. By effectively doubling its footprint, it represents an overdevelopment of the site. The Parish Council does not believe that it represents ancillary accommodation as it is already capable of fully independent occupation, as it has a shower room and equipped kitchen area. This is a problem because the entire premises is being used as holiday lets which is in contravention of Condition 4 of Application 21/18/0002

SCC - ECOLOGY - No objection subject to inclusion of specified condition and informative.

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice.

Habitats Regulations Assessment

No additional phosphates as a domestic annexe. HRA not required.

Representations Received

One in support has been received.

Four objections with concerns about:

- The use of the private road through Courtlands to access the site;
- Non-compliance with the conditions of the previous planning permission granted in 2018;
- Over development of the site;
- Possible use of the site by large groups of people visiting the site.
- A veranda has been added to the ancillary accommodation which was not on the original approval for the conversion.
- The size of the ancillary accommodation building is doubled by this proposal and therefore not subservient.
- The addition of a kitchenette makes the building much more of a self contained unit than ancillary accommodation.
- The extension would increase overnight accommodation and will affect residential amenity.
- The matter is complicated by the building being advertised as Self Catering Holiday accommodation for 4 people.
- The doubling in size of this ancillary accommodation within a residential unit that already sleeps 18 seems excessive in a village situation and will almost certainly increase traffic and general noise which is contrary to Policies D5 and D6.
- The application would substantially increase the ancillary accommodation at this village property far beyond the need of a domestic property even one for a single individual with known care needs.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

D5 - Extensions to dwellings,
D6 - Ancillary accommodation,
CP8 - Environment,
DM1 - General requirements,
A1 - Parking Requirements,

Local finance considerations

Community Infrastructure Levy

Not applicable.

Determining issues and considerations

The main issues in the determination of this application are the impact on visual and residential amenity. The policies against which it will be considered are D5 (Extensions to dwellings), D6 (Ancillary accommodation) and SB1 (Settlement Boundaries) of the Site Allocations and Development Management Plan 2016, DM1 (General requirements) and CP8 (Environment) of the TDBC Adopted Core Strategy 2011-2028.

As a householder planning application for extension to ancillary accommodation the main planning issues relate to the impact on the area and the subsequent use when the need for the accommodation no longer exists. It is particularly important that a new dwelling is not created in this way outside a settlement. Any new building proposed but not regarded as ancillary would therefore be assessed under policy SB1 if outside of a settlement boundary. Therefore Policies D6 (Ancillary Accommodation), D5 (Extensions to dwellings) and A1 (Parking provision) of the Site Allocations and Development Management Policy and DM1 (General Requirements) and CP8 the Environment of the Core Strategy apply.

The extension fulfills the criteria of Policy D6 (Ancillary accommodation) in that:

- A. It would be less damaging to the character of the main dwelling or the surroundings than an extension or conversion of another building.
- B. It is close enough to the main dwelling to maintain a functional relationship; shares a driveway to the highway; shares a garden and parking area with the main dwelling.
- C. It causes no harm to the residential amenity of other dwellings through loss of light, privacy or dominance on a boundary.
- D. It does not unacceptably prejudice the future amenities, parking, turning space and other services of the main dwelling.
- E. It does not harm the form and character of the main dwelling and is subservient to it in scale and design.

The criteria of Policy D5 (Extensions to dwellings) are fulfilled in that:

- A. There is no harm caused to the form and character of the dwelling, and it is subservient to it in scale and design.
- B. No harm is caused to the residential amenity of other dwellings through loss of light, privacy or dominance on a boundary.
- C. Policy A1 is satisfied as sufficient off-road parking space is provided for a dwelling of 4 or more bed rooms. Therefore the future amenities, parking, turning space and other services of the dwelling to be extended are not harmed.

The criteria of Policy DM1 (General requirements) pertinent to this type of development:

- a. Make the most effective and efficient use of land, giving preference to the recycling of previously developed land where this is in a sustainable location, and with the density of development varying according to the characteristics of the area, with the higher densities in centres and on public transport routes;
 - This application is within the domestic curtilage of the main dwelling and shares its access to the highway and amenity space.
- b. Additional road traffic arising, taking account of any road improvements involved,

would not lead to overloading of access roads, road safety problems or environmental degradation by fumes, noise, vibrations or visual impact;

- The development will not require any road improvements and will continue to share the access and parking available with the main dwelling.

c. The proposal will not lead to harm to protected wildlife species or their habitats;

- The SCC Ecologist has no objections to the proposal and has imposed conditions regarding wildlife.

d. The appearance and character of any affected landscape, settlement, building or street scene would not be unacceptably harmed by the development;

- The annex extension has no impact on the street scene and will have no significant visual impact on the area.

e. Potential air pollution, water pollution, noise, dust, lighting, glare, heat, vibration and other forms of pollution or nuisance which could arise as a result of the development will not unacceptably harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment;

- Where ancillary accommodation is permitted, planning control over subsequent use or sale as a separate dwelling will be imposed. The extended annex is for the stated use of up to two carers required for the support and care of a family member. This use is considered to be acceptable and unlikely to cause nuisance or harm to residential amenity. A condition restricting the use of the annex solely to purposes ancillary to the residential use of the occupants of the dwelling is imposed and it is presumed this is sufficient to maintain the solely residential use of the annex building.

f. The health, safety or amenity of any users of the development will not be unacceptably harmed by any pollution or nuisance arising from an existing or committed use;

g. The site will be served by utility services necessary for the development proposed.

Policy CP8 states that ' Development will be supported at sustainable locations to improve green infrastructure, public access, visual amenity and the overall quality of the natural environment'

- The sustainability of this location is questionable. There is no shop in this village and no bus service to and from Langford Budville, therefore cars are the most likely form of transport. It is a given that two carers visiting and staying at the house will bring one to two additional cars with them, but the off-road parking provision at Tom's House has been shown to comply with Policy A1 (Parking provision) for a domestic dwelling of 4 or more bed rooms.

Under Policy D6 (Ancillary accommodation) the main planning issues relate to the impact on the area and the subsequent use when the need for the accommodation no longer exists. It is particularly important that a new dwelling is not created in this way outside a settlement and therefore a condition is recommended to ensure that the building remains as ancillary accommodation to the main dwelling.

A number of representations have been received raising concerns that the existing building is used as a holiday let and not as ancillary accommodation. As part of the application process, clarification has been sought from the agent who has confirmed that the building is used as ancillary accommodation. If in the future, the building is used as anything other than ancillary accommodation, it would be in breach of a planning condition and therefore appropriate enforcement action could be taken.

In conclusion, it is noted that the proposal meets the criteria of the relevant policies, is acceptable and is recommended for approval.

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

Contact Officer: Mrs M Pike

48/19/0065

MR HARRON

Change of use of land from agricultural to canine activity training facility, provision of hardstanding, field shelter and alterations to access on land at Cherry Grove Rise, Yalway Road, West Monkton

Location: LAND AT CHERRY GROVE RISE, YALWAY ROAD, WEST
MONKTON, TAUNTON, TA2 8LW

Grid Reference: 325230.128938 Full Planning Permission

Proposal

The application proposes the change of use of the field from agricultural use to provide an area for dog behavioural training and therapy.

Site Description

The site consists of an existing agricultural field comprising grass and bound by hedgerows on all sides. The site is located on the northern slopes of the Quantock Hills but is outside the AONB which is located approximately 2km to the North West. The site is on the western side of the adjoining class C classified road. Access into the site is from the existing road via an existing field access at the North Eastern corner of the site.

The Hestercombe House Site of Special Scientific Interest and Special Area of Conservation (SSSI and SAC) is located approximately 1km to the west of the site. Hestercombe House is also Grade I Listed and set within a Conservation Area and Grade I Listed Park and Garden which extends to approximately 700 metres from the site at its closest point.

Relevant Planning History

None relevant.

Consultation Responses

WEST MONKTON PARISH COUNCIL - The Parish Council objects to the granting of permission and made the following comments in relation to the application:

- The proposed use of the site as a dog training facility is considered to be an inappropriate use of the land.
- The Parish Council has concern about the level of noise from the proposal from dogs barking and how this will be heard by and disturb neighbouring properties. It was noted that due to the proposed location in open countryside, the noise disturbance could travel some distance. The noise may also have an adverse impact on wildlife in the area, active badger sets are in the area. In addition, dogs barking may also cause distress to dairy cows and calves grazing on the neighbouring land.
- The proposed location is in the bat mitigation zone, the proposed fencing at 3 metres high, is not conducive for bats. It will impact bats foraging and cause an obstruction to bats.

- The proposal will result in a loss of biodiversity, the land is currently a traditional hay meadow, the proposed use will mean that the grass will be intensely cut thereby adversely impacting biodiversity.
- The proposal will have a negative impact visually and impact the ambience of the area, which is only a short distance from the Quantock Hills AONB boundary.
- The proposal will result in an increase in the number of cars on a quiet country lane. Access to the proposed site is from an unrestricted tree lined road with poor visibility for cars accessing and exiting the site.
- The Parish Council believes that the points raised above mean that the proposal is not compliant with Core Strategy Policy DM1.
- No lighting should be erected in order to comply with the WM&CF NP Dark Skies policy R1. If consented the facility should therefore only be operational during daylight hours between 9am and 5pm Monday to Friday and Saturday morning only.
- Finally, it is noted that the application is only for change of use, the Parish Council questioned whether permission should also be sought for the erection of the fencing and proposed 'summerhouse'.

SCC - TRANSPORT DEVELOPMENT GROUP – Standing advice applies

Environmental Health - all Areas including Housing Standards –

The application is to use the land for dog training with the following hours: Mon-Fri 07.30-18.30, Saturday 08.30-18.30 and Sunday 08.30-18.30.

It is stated that the applicant only plans to train one or maybe two dogs at a time. The site is an open field with the nearest residential property is approximately 120m away.

There is no noise assessment with this application. Although it should be noted that assessing the potential noise from dog barking is not straightforward, as there is no standard way to measure or assess noise from dog barking, and no criteria against which to compare any predicted noise levels. Also, noise from dogs can be very varied depending on the individual dog and the management of the operation.

However, you have provided some information which shows that a dog barking on the site can be heard clearly at the nearest property, and also heard further along the lane.

It is not possible to confirm whether or not the noise from the proposed use will lead to an unacceptable increase in noise levels in the area, as there are so many things that could vary with this type of use (for example the number and type of dogs, how many training sessions are held and how the dogs behave and the barking is managed). However, there could be a problem if the use did lead to noise from dog barking for the hours proposed, which includes weekends when neighbours are more likely to be at home. As the proposal is for the use of open land there is no potential to contain any noise within a building.

If the proposal did go ahead would it be possible to limit the number of dogs on site at any one time and to have more restrictions on the use at weekends?

An additional option could be to grant a temporary use, as this would allow the impact to be monitored.

LANDSCAPE – No comments

ECOLOGY-

I (and Natural England) should have been consulted on this one as it involves land use change that could potentially affect the SAC lesser horseshoe bat population.

I do not understand why a 2 metre wire mesh high fence is needed but would recommend the exterior is planted with a native species hedgerow to form a 'green lane' around the boundary of the site between it and the existing hedgerow. Lesser horseshoe bats would habitually commute using the hedgerow and are unlikely to cross into the field unless grazing cattle are present. Yellow dung fly form part of the diet of lesser horseshoe bats. Otherwise hay and silage use is likely to prevent or suppress any micro moth abundance and therefore the field is likely to be of low value as a resource to lesser horseshoe bats when cattle are not present. Therefore the change of use is likely to lead to the loss of some foraging resource, probably for a single lesser horseshoe bat and perhaps her pup at this range from the maternity roost. The species has individual traditional hunting territories within a maternity colony's home range. I do not consider a significant effect on the Hestercombe House SAC would occur and unless Natural England requires otherwise do not intend to carry out a Habitats Regulations Assessment for the application.

The hedgerow planting, at least where the distance between the fence and existing hedgerow is wide enough, would mitigate the loss of grazing and potentially would provide biodiversity gain. The applicant states that hedgerow would be allowed to grow out and subject to an alternating trim. However, to be of benefit to bats, hedgerows should be trimmed at minimum once every three years if an abundance of insects is to be provided. The lane around the site should be cut once per year between November and February on a rotational basis so that only two side are cut at any one time. This management would allow Lepidoptera to complete their life cycle, including micromoths which are hunted by lesser horseshoe bats. I can provide approximately worded conditions for the provision of hedgerow planting and landscape management.

However, my main concern is about the height of the fencing is that it can pose a risk of collision injury /mortality to birds, such as raptors, which fly over the hedgerow and drop immediately not expecting the barrier to be there, especially when chasing prey. A hedgerow of similar height would go towards solving the problem but not in the short/medium term. The fence needs to be made more visible.

Second response:

I consider that such surveys (wildlife surveys) would be onerous but would add the following condition to the two afore stated to make the fence more 'visible' as follows (or words to that effect). We do not know is priority bird species are present as listed on s41 of the Natural Environment and Rural Communities Act 2006 for which the local planning authority has a duty for the conservation of in carrying out its role.

The entire length of the wire fence shall have devices to mark its presence, such

as solid discs, mounted upon it and maintained until such a time as the planted hedgerow reaches the same height as the fence. The type of device and specification for mounting shall be submitted to and agreed by the local planning authority prior to any work commencing on site.

Reason: In the interests of priority birds species listed on s41 of the Natural Environment and Rural Communities Act 2006, biodiversity generally and in accordance with policy CP8 of the Taunton Deane Core Strategy

Provided these conditions can be applied I would be more comfortable with progressing the application.

Third response:

You could increase the fence's visibility by hanging solid shapes, such a large disc or perhaps decorating it with continuous foliage, along its entire length in the short / medium term. The applicant needs to provide details. A 2m high hedgerow would eventually hide it. *(Later comment relating to discs- The image of the discs you've forwarded are suitable. However the reflective surface ones would be preferential in preventing bird strike until the new hedge is grown and the fence can be removed as per our previous comms on this.*

Alternatively UV window alert decals could used on a muted colour disk if reflective once can't be used. Bare in mind that they only last for around two years. Solid coloured/black decals should not be used as they do not prove successful. For UK stockists see:

<https://www.britishbirdfood.co.uk/other-accessories/protection-and-security/window-bird-alert-wild-bird-food-feeders-and-accessories> or <https://www.livingwithbirds.com/search?sw=stickers>).

As no ecology surveys have been undertaken for the application and as Section 99 of the Government circular 2005/06 on biodiversity and geological conservation states that *'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'* without the mitigating hedgerow planting and appropriate management I would consider the proposed development unacceptable.

Provisional conditions:

A native species hedgerow will be planted along the outer side of the existing wire mesh fence. A planting schedule and plan will be submitted to and approved in writing by the Local Planning Authority prior to any work or operational use of the site commences, whichever is earlier. The approved scheme will be planted at the earliest opportunity and maintained thereafter.

Reason: In the interests of the integrity of a European site, the Favourable Conservation Status of populations of European protected species, biodiversity generally and in accordance with policy CP8 of the Taunton Deane Core Strategy

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to operational use of the development. The content of the LEMP shall include the following:

- a) Aims and objectives of management.
- b) Appropriate management options for achieving aims and objectives.
- c) Prescriptions for management actions.
- d) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- e) Details of the body or organization responsible for implementation of the plan.
- f) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species, biodiversity generally and in accordance with policy CP8 of the Taunton Deane Core Strategy

NATURAL ENGLAND –

We do not consider that the scheme poses a significant risk to the Hestercombe House Bats SAC and therefore a Habitats Regulations Assessment is not needed. We do, however, support the improvements advised by the County Ecologist which will benefit bats and other wildlife.

THE QUANTOCK HILLS AONB SERVICE – No comments received.

Habitats Regulations Assessment

The site is approximately 1 km from the Hestercombe House SSSI/SAC, however the development has been deemed to be of a nature and scope such that there would be no likely significant effect on these protected sites.

The site is within the catchment for the Somerset Levels and Moors RAMSAR/SSSI/SAC which is currently deemed to be in an unfavourable condition due to phosphate levels. This proposal would not have any impact on phosphate discharge as it would not result in any raising of the local population as would occur with residential and it would not present any other specific impacts or concerns. Accordingly there would be no likely significant effect on the Levels and Moors Protected site.

Having regard to the above, there is no requirement to carry out a Habitat Regulations Assessment.

Representations Received

Following consultation representations have been received 13 individuals from 11

households, 08 objecting and 06 in support (2 of these not within the District) and 1 making neutral comments. The following comments are made:

Objection:

- Concerns over noise from dogs barking
- Traffic congestion
- Potential impact of artificial lighting
- Harm to wildlife- fence is a risk to feeding bats and birds, loss of foraging habitat for bats. Likely to impact on Hestercombe House SAC.
- Metal fence, tarmac is harmful to the character and appearance of the area.
- Site is within the setting of the AONB.
- If planning permission is granted it should be restricted to 09-1800 5 days a week only.
- Barking dogs could affect the nearby dairy farm where cattle are in the open fields year round.
- No wildlife surveys submitted with application.
- Limited benefit in terms of job creation.
- Active badger set in lower field boundary.

Support:

- The site is away from residential areas.
- Limited numbers of customers and plenty of space within the site will not cause adverse issues.
- The applicants are considerate people and would not wish to impinge on neighbour amenity in any way.
- The applicant is qualified in animal behaviour.
- There is a need for this service in the area.
- Wider benefits to public health

Neutral comments:

- Fencing should be screened by new hedge planting if permission is granted.
- If permission is granted there should be a limit on the number of dogs of perhaps 4.
- Further clarification should be provided in relation to toilet and wash facilities.
- Planning conditions should restrict the future change of use to kennels/day care and also a limit on the number of dogs, traffic and hours of opening.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

DM1 - General requirements,

A1 - Parking Requirements,

ENV1 - Protection of trees, woodland, orchards and hedgerows,

CP8 - Environment,
DM2 - Development in the countryside,

Local finance considerations
Community Infrastructure Levy

Not applicable to this development.

Determining issues and considerations

Principle of development:

The site is located outside settlement limits and accordingly is classed as open countryside. Policy DM2 relates to development in the open countryside. It sets out certain categories of development that will be supported. In addition it sets out several tests, all of which must be met, such as preserving landscape character and visual amenity, ensuring ecological interests are not harmed and ensuring there will be no harm to highway safety.

In addition, Policy CP8 is relevant and supports development provided that it protects habitats and biodiversity, protects and conserves the landscape, and natural and historic assets, and is appropriate in terms of scale, siting and design.

Canine related facilities do not fit into any of the categories of development that are specifically supported by DM2, however it is a use that requires an amount of space and as such it is generally expected that such sites will be proposed in the open countryside. In addition, this is a business use and whilst not within the B class uses specified by DM2, there is general support for businesses in the countryside within the NPPF.

Having regard to the above, the acceptability of the proposal is not precisely prescribed by Local Plan policies, however it is clear that the acceptability is dependant on the assessment of the environmental and other impacts of development. These considerations are set out within the report below.

Visual Amenity:

The site is visible from the adjoining road and from some more distant views in the area. The main impact visually is from the existing metal fence. There has been no unlawful use of the site as the dog facility has not yet commenced and accordingly these building operations can be carried out under permitted development rights.

Other visual impacts would arise from the alterations to the access and parking area. The applicant has proposed a light touch approach which comprises interlocking cellular ground reinforcement products. These would allow the grass to grow through the product to achieve a much lower visual impact compared to tarmac or other approach. In addition, should the use cease in the future, the product can be easily removed.

There would be some impacts from parked vehicles, although given the small scale of the proposal this would be acceptably discreet in its visual impact. A field shelter is proposed close to the western boundary of the site. This would be a small, simple timber structure which is typically used for animals and is characteristic of a rural area. It would have a very minimal visual impact.

The fence has the greatest impact on the character of the area. The materials and

overall appearance are not characteristic for a rural area. The site is relatively prominent being on a hillside with the road running up the eastern site boundary. Accordingly there is some localised harm to the character of the area at present as a result of the installation of the fence. Significantly however, as mentioned above, the fence is not included within the planning application as it was erected under permitted development rights. The fence could theoretically remain in perpetuity with the land used for agriculture/grazing. The fact that the fence did not require planning permission weakens the ability to refuse permission for the change of use on these grounds.

There are also measures that can be taken to reduce the visual impact of the fence and these can be secured through planning conditions. The metal posts are the most visible aspect of the fence. The applicant has agreed to paint these green which will reduce the visual impact of the fence and will assist to camouflage this element against the adjacent hedgerows. The applicant has agreed to the planting of a hedge around the perimeter of the exercise area. This would be located inside the fence line to allow sufficient space for any maintenance of the existing field boundaries. This will help to screen the Northern, Southern and Western section of the metal fence and would provide a green backdrop to the Eastern boundary as viewed from the road. The applicant has also agreed to a planting scheme within the existing roadside hedgebank to fill existing gaps and ensure increased screening from the road. The applicant has also agreed to a condition that would require the removal of the fence if at any point in the future the dog training use ceases permanently. A condition is required by the ecologist to secure a scheme to prevent bird strike on the galvanised mesh part of the fence. This could involve attaching metal disks or squares or other similar means onto the mesh to make the structure more visible to birds. This will also have an increased visual and landscape impact, however in the context of the existing and proposed screening and other mitigation measures it is considered that this would not be sufficiently significant to warrant refusal.

Given the relatively small scale of the existing and proposed development and relatively low key nature of the use, it is considered that there would be no impact on the nearby Grade I Listed Park and Garden. Subject to the above conditions, it is considered that the appearance of the fence can be acceptably mitigated. The proposal would therefore comply with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

Residential Amenity:

The main concerns expressed by neighbours relates to the impact of barking dogs on neighbour amenity. The closest neighbours are Nos 1 and 2 Hillside Cottages, located approximately 140 metres from the site boundary and Cherry Rise Cottage which is located approximately 240 metres from the site. Dog barking would be audible from these properties although it should not be assumed that dog barking would be heard regularly as this would be dependant on a range of factors.

The Environmental Health Department have commented that it is not possible to confirm whether or not the proposed use will lead to an unacceptable increase in noise levels in the area given the range of variables that can exist such as the number of dogs, site management etc. Further suggestion is made in relation to restricting the number of dogs, increasing restrictions at weekends and considering a temporary consent. Further discussions have been held with Environmental Health

and on the basis of a temporary consent being issued, no evening operation and the restriction on the number of dogs at any one time have confirmed that an objection would be unreasonable.

A planning condition is recommended to ensure that the field is used as a dog behavioural training and therapy facility only. It is further recommended that other canine activities such as agility, exercise training and any other canine sports and general recreation by members of the public are excluded.

The applicant has agreed to a reduced hours of operation from that originally proposed to 08.00-18.00 Monday to Friday, 09.00-16.00 Saturday and 10-12.00 Sundays and Bank Holidays. Given the small scale nature of the use and other restrictions imposed, it is considered that these hours of use would be acceptable.

Having regard to the above, subject to conditions, the proposal would comply with Policy DM1 of the Taunton Deane Core Strategy.

Ecology:

The site is relatively close to and within the foraging zone for the Hestercombe SSSI/SAC which is designated for its colony of horseshoe bats. The County Ecologist and Natural England have been consulted. They have commented that subject to conditions the impact would be acceptable. They also comment that any impact would not be sufficient to require a Habitats Regulations Assessment.

The main impacts would be as a result of the loss of some foraging resource within the site for bats. The Ecologist has suggested the planting of a new hedgerow within the existing field boundaries to mitigate this loss. The other impact relates to the potential for bird strike as a result of the metal fence. Measures to increase its visibility are suggested such as metal discs attached at 2 metre intervals. A planning condition is included to secure the agreement and implementation of these details. In order to secure the appropriate management of the site, in the interests of general ecology and the SSSI/SAC, the Ecologist has also requested a Landscape and Ecological Management Plan condition to be included. Given the sensitivities of the site being within the foraging zone of the protected bat colony and the statutory duty to ensure the protection of the colony it is considered that these conditions are necessary and reasonable in planning terms and will ensure the protection of the protected site.

Having regard to the above, subject to conditions, the proposal would comply with Policy CP8 of the Taunton Deane Core Strategy.

Highway Safety:

The Highway Authority have referred the application to standing advice. The application would utilise an existing agricultural access. The road is class C classified, however it is relatively lightly trafficked. The road at the point of access is not restricted, however due to the nature of the road, vehicle speeds are likely to be generally up to approximately 30mph. Subject to minor trimming of vegetation on the highway verges, the visibility splays in both directions would be acceptable.

The applicant has amended the proposed details for hard surfacing the entrance and parking area due to concerns raised over the visual impact of the proposals. The amendment is to a mesh type surface which is laid over the existing grass surface for the parking area and a cellular type product which is installed into the existing grass surface for the entrance. These details have been discussed with the

Highway Authority who have commented that they are likely to be acceptable in principle given that this is an existing access, the road is relatively lightly trafficked and that this is would be a temporary consent to allow reassessment of the success of the material in practice. A planning condition is recommended to secure full technical details and specifications for these aspects of the scheme.

Having regard to the above, subject to conditions, the proposal would comply with Policy DM1 of the Taunton Deane Core Strategy.

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

Contact Officer: Mike Hicks

UPDATE REPORT 29 April 2021

Reference: 3/26/19/016

Applicant: Acorn Developments (SW) Ltd.

Description of Development

Erection of 9 No. dwellings with associated access, landscaping, public open space, drainage and footpath works at Former Nursery Site, A39, Washford, Watchet, TA23 0NT

This update report will begin with a brief and necessary history of planning applications and consents at two related sites in Washford, this former nursery site is the first and the Huish Lane site the second. The planning history is set out below:

(former nursery site)

3/26/14/025 - outline: erection of up to 6no. dwellings, footpath – C/A – 20/06/2017

3/26/19/016 (this updated application) - Erection of 9 No. dwellings with associated access, landscaping, public open space, drainage and footpath works at Former Nursery Site – resolution to grant at planning committee 12 March 2020

(Huish Mews site)

3/26/14/026 - outline: erection of up to 10no. affordable dwellings, relocation of allotments – C/A – 20/06/2017

3/26/19/015 – Reserved Matters: erection of 5no dwellings, relocation of allotments – C/A – 17/10/2019

NMA/26/19/001 - minor revisions to plan numbers approved under 3/26/19/015 - approved

The developers for the Huish Lane site are a registered social housing provider and have approached the LPA seeking to change the financial obligations contained in the section 106 agreement which is tied to both sites for the earlier outline consents 3/26/14/026 (Huish Lane affordable site) and 3/26/14/025 (nursery site – private sector housing).

The recommendation to grant consent at this site – the former nursery site – made at the 12 March 2020 planning committee included revisions to the extant section 106 agreement from the 2014 outline applications cited above. One section 106 agreement covered both sites due to the peculiarities of the affordable housing arrangements (100% affordable housing at Huish Mews, open market at the former nursery site). Also contained within this existing (ie signed and sealed) section 106 agreement were financial obligations for the affordable housing developers including for community infrastructure and education contributions which total up to £12,501.

The agents acting on behalf of Acorn, the private sector developers of this former nursery site have commented that firstly “Falcon are unable to proceed with delivery of the affordable units at Huish Lane with the financial burden of contributions” and secondly that “Acorn Developments are content to pay the contributions required by the Huish Lane site on behalf of Falcon with the intention that there is a

commensurate reduction in contributions for any subsequent permission at the Former Nursery Site, essentially cross-subsidising delivery of the affordable units as originally envisaged by the two schemes.”

Members of the Planning Committee previously resolved to grant planning permission for the proposed development on 12 March 2020, the original committee report is available in Appendix 1.

Since the resolution to grant planning permission, officers have been working with the agent of this planning application to secure the S106 agreement. The S106 agreement is still being negotiated and therefore planning permission has not been granted to date.

The developers for this application (Acorn), in consultation with the registered social housing providers for the related site at Huish Lane (Falcon Housing) have requested that the terms of the section 106 agreement are varied to allow for Acorn to pay for the financial commitments currently required from Falcon Housing and that Acorn's obligations be reduced proportionately, as Falcon Housing cannot afford the agreed financial contributions.

The varied section 106 agreement would change the Heads of Terms for the Section 106 agreement and the amount paid by the private sector developer (Acorn) would be the same, only Falcon Housing would benefit from a reduction in consented financial obligations. Additionally there would be a minor amendment to condition 9 as per the March 2020 committee recommendations to reference the footpath connecting the two sites.

Falcon Housing are not receiving government subsidies for the entirely social housing development at Huish Lane and the current section 106 obligations for the Huish Lane affordable site could make the scheme unviable.

The Heads of Terms now sought are as follows:

- Secure affordable units at Huish Lane as such in perpetuity.
- Payment of Public Open Space Contribution of £17,451 (i.e. £29,952 - £12,501).
- Payment of Huish Lane Education and Community Infrastructure Contributions totalling £12,501.
- Management and maintenance issues related to the estate road and culverting of the watercourse on site.

The Heads of Terms that Members previously approved are as follows:

- Development beyond five units cannot take place unless all the affordable units at Huish Mews have been delivered or an appropriate off-site affordable housing contribution has been agreed and paid by the developers.
- Secure works for the footpath connecting the Former Nursery Site to development at Huish Lane and the wider village.
- Payment of Public Open Space contributions amounting to £29,952.
- Management and maintenance issues related to the estate road and culverting of the watercourse on site.

The key differences between the previous resolution to grant from the 2020 committee and those outlined above are firstly in relation to the affordable housing triggers these would be amended to ensure that the social housing units at the Huish Lane site remain as social housing in perpetuity, secondly the provisions related to the connecting footpath would be removed and condition 9 (estate roads) amended accordingly, and thirdly the financial obligations would remain at the same level for the private sector developer (Acorn) at the nursery site in terms of the headline figure of £29,952 but would be removed from the Huish Lane site for Falcon Housing so there would be a reduction in the monies allocated to local play space down to £17,451 but funds would also go towards educational contributions in the locality.

The private sector developer would be paying the same amount as agreed at the previous committee as they would cover the full contributions currently expected from Falcon Housing, it would only be Falcon Housing, a registered social landlord and a not-for-profit entity, who would benefit from a reduction in their financial obligations. There would therefore be no private gain from the proposed changes and the only beneficiary would be a social housing provider and the revised approach would help to enable the development of social housing units at the Huish Lane site.

Given that Falcon Housing have acknowledged viability issues with the Huish Lane development and there is a recognised risk of the development not being completed and then no concurrent financial obligations being paid, the LPA consider that the proposed solution is appropriate in the circumstances.

There is a planning balance here in regards to the proposed overall reduction in the contribution to local play space of £12,501 (although still with a contribution of £17,451 to play spaces) and need for local affordable housing. As the proposed amendments would not be of financial benefit to the open market housing developer (Acorn) the proposal must be weighed against the aims of the Local Plan considered holistically, specifically in relation to the provision of affordable housing (SC4).

The proposed development at the nursery site would still be in compliance with policy SC4 as the affordable housing site at Huish Lane has been delivered and sold on to Falcon Housing, as required in the original section 106 agreement as per the two outline consents. Significant weight is given to the planning benefits of ensuring that social housing is delivered in Washford and this is considered to outweigh the harm caused by the reduction in the quantum of monies due for local play spaces.

It is considered therefore that the proposed development continues to accord with planning policy and therefore it is recommended that Members note and approve the proposed amendments to the S106 agreement and to condition 9, as per the earlier recommendation.

The revised condition for condition 9 would read as follows:

The proposed estate roads, footways, footpaths, tactile paving, cycleways, 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. These details shall include those for the footpath as illustrated in approved plan 18.82 21 A. 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: To ensure that the development is well designed and internal estate roads are functional and fit for purpose.

Application No:	3/26/19/016
Parish	Old Cleeve
Application Type	Full Planning Permission
Case Officer:	Alex Lawrey
Grid Ref	
Applicant	Acorn Developments (SW) Ltd.
Proposal	Erection of 9 No. dwellings with associated access, landscaping, public open space, drainage and footpath works
Location	Former Nursery Site, A39, Washford, Watchet, TA23 0NT

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 18.82.01 Site Location Plan
- (A1) DrNo 18.82.02-G Site Layout- House Types
- (A1) DrNo 18.82.03-E Site Layout-Roof Plans
- (A2) DrNo 18.82.04A House Type Floor Plans Type A
- (A2) DrNo 18.82.05c House Type Floor Plans Type B
- (A2) DrNo 18.82.06-A House Type Floor Plans Type C
- (A2) DrNo 18.82.07-B House Type Floor Plans Type D
- (A2) DrNo 18.82.08-C House Type Floor Plans Type E
- (A2) DrNo 18.82.09B House Type Floor Plans Type F
- (A2) DrNo 18.82.10 Plots 1 & 2 Elevations
- (A2) DrNo 18.82.11 Plot 3 Elevations
- (A2) DrNo 18.82.12 Plot 4 Elevations
- (A2) DrNo 18.82.13A Plot 5 Elevations
- (A2) DrNo 18.82.14A Plot 6 Elevations
- (A2) DrNo 18.82.15 Plot 7 Elevations
- (A2) DrNo 18.82.16A Plot 8 Elevations
- (A2) DrNo 18.82.17A Plot 9 Elevations

- (A2) DrNo 18.82.18A Plot 10 Elevations
- (A2) DrNo 18.82.19 Site Elevations
- (A1) DrNo 18.82.20B Garages - Sheet 1 of 1 Floor Plans & Elevations
- (A1) DrNo 18.82.21 A Footpath Route & Detail
- (A1) DrNo 3097.001 Landscape General Arrangement
- (A1) DrNo 3097.002 Kerbs & Edges
- (A2) DrNo 3097.003 Paving Details
- (A2) DrNo 3097.004 Fences, Walls & Street Furniture
- (A1) DrNo 3097.005.1 Planting Plan - Sheet 1 of 2
- (A1) DrNo 3097.005.2 Planting Plan - Sheet 2 of 2

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

- 3 Prior to the construction of the dwellings hereby approved above damp-proof-course 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 No development (other than that required by this condition) shall be undertaken on site unless a programme of archaeological work, including excavations, has been implemented in accordance with a written scheme of investigation which has been first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme.

Reason: To ensure the preservation of archaeological remains. There is evidence of a deserted settlement noted in the Somerset HER and any works on site could have the potential to disturb archaeological interests.

- 5 Prior to occupation of the buildings, works for the disposal of sewage and surface water drainage via soakaways shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. Prior to any works to the south-east corner of the site adjacent to the highway, and for any works to the highways' access point located close to the water main (indicative route of the water main shown on Wessex Water map submitted as part of their consultation response to this application) the developer shall undertake a survey to establish the precise route of the fresh water mains and shall obtain necessary diversions and/or easements from the water utility company and the LPA, if required. The works shall thereafter be retained and maintained in that form. Details and specifications shall also be supplied and agreed in writing by the local planning authority prior to their implementation for the proposed culvert.

Reason: To prevent surface water discharge into public foul water sewers, maintain existing fresh water supplies, and to ensure the adequate provision of

drainage infrastructure.

- 6 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;
 - Construction delivery hours;
 - Expected number of construction vehicles per day;
 - Car parking for contractors;
 - 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; and
 - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
 - On-site vehicle wheel washing facilities

Reason: In the interests of highway safety and amenity.

Pre-commencement reason: This information is necessary prior to the development being implemented to ensure that construction works are controlled.

- 7 The proposed access shall have a minimum width of 5 metres and incorporate radii not less than 6 metres.

Reason: In the interests of highway safety.

- 8 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 occupation and thereafter maintained at all times.

Reason: To prevent flooding of the highway and in the interests of highway safety.

- 9 The proposed estate roads, footways, footpaths, tactile paving, cycleways, 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. These details shall include those for the footpath as illustrated in approved plan 18.82 21 A. 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: To ensure that the development is well designed and internal estate roads are functional and fit for purpose.

- 10 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 pedestrian and vehicular access to the dwellings is possible and safe prior to their occupation.

- 11 In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until the cycleway/footpath connection westward to the north of Huish Barns and Huish Mews has been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable transport and pedestrian and cycle safety.

- 12 The Development hereby permitted shall not be occupied until the parking spaces for each 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 and in the interests of highway safety.

- 13 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 to the west and 110 metres to the east 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.

- 14 (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.

- 15 A minimum bat corridor with a minimum width of 10 metres along the entire eastern boundary of the site will be provided. The replacement habitat shall be of long sward meadow and scrub, which is accessible to bats and bordered by hedgerow next to the built area to form a sheltered passageway. The layout of and a planting schedule for the habitat creation / enhancement of this open space will be submitted to and agreed with the local planning authority prior to work commencing on site. This corridor will be protected with fencing, such as a Heras fence) during the construction period. The enhanced habitats will be planted at the earliest feasible date following permission unless otherwise agreed with the local planning authority. An updated Masterplan will be provided for the site and submitted to and approved by the Local Planning Authority

Reason: In the interest of the Favourable Conservation Status of populations of European protected species and in accordance with policy EQ4 of the West Somerset Local Plan

- 16 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the completion of the first phase of the development. The content of the LEMP shall include the following.
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) On-going monitoring and remedial measures.
- The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interest of the integrity of the conservation objectives of a European site and in accordance with policy EQ4 of the West Somerset Local Plan

- 17 Prior to occupation, 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, including amenity and security 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. 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 EQ4 of the West Somerset Local Plan

- 18 Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, 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. Any reptiles found will be translocated to the bat corridor. Once cut a reptile exclusion fence will be erected around the boundaries of the site except for the eastern boundary will it will be installed on the western boundary of the bat corridor and maintained for the duration of the construction period. Following installation of the fence a further check will be made by a competent ecologist prior to any further vegetative clearance or groundworks occurring. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible within one week of the .

Reason: A pre-commencement condition in the interests of UK protected species and in accordance with policy EQ4 of the West Somerset Local Plan

- 19 Within 8 weeks of vegetative clearance and or groundworks commencing a survey for badger activity will be undertaken by a competent ecologist and reported, along with any mitigation measures required, in writing to the Local Planning Authority.

Reason: A pre-commencement condition in the interests of UK protected species and in accordance with policy EQ4 of the West Somerset Local Plan

- 20 The following will be integrated into dwelling and or mounted upon suitable trees as appropriate:
 - a) 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 9

b) Two Vivara Pro Woodstone Nest Boxes (32mm hole version) will be installed mounted on the northerly facing aspect of trees and maintained thereafter

c) A bee brick built into the wall about 1 metre above ground level on the east or southeast elevation of each dwelling

Photographs of the installed features will be submitted to the Local Planning Authority prior to the completion of construction works.

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 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority, during the consideration of the application issues/concerns were raised by a statutory consultee which were addressed. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue/concern and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

- 2 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.

Recommendation

Recommended decision: Grant

(1) That delegated authority be given to the Chief Planning Specialist to grant planning permission, subject to the conditions set out in this report, after the signing of a Section 106 legal agreement, or equivalent unilateral undertaking is received, to grant consent subject to the revised financial obligations.

Site Description

The site is a grassed field which formerly housed a plant nursery located on the edge of the settlement of Washford. It is adjacent to the main A road to the south, and has an existing access to the highway. The site is partially bounded by mature hedgerows and has some mature trees. There is a small stream running through it. There are residential dwellings to the west, and to the north and east land in agricultural use. The site is relatively flat and is entirely outside of Flood Zones 2 and 3.

Relevant Planning History

3/26/14/025 - outline: erection of up to 6no. dwellings, footpath – C/A – 20/06/2017

(Huish Mews site)

3/26/14/026 - outline: erection of up to 10no. affordable dwellings, relocation of allotments – C/A – 20/06/2017

3/26/19/015 – Reserved Matters: erection of 5no dwellings, relocation of allotments – C/A – 17/10/2019

NMA/26/19/001 - minor revisions to plan numbers approved under 3/26/19/015 - approved

Consultation Responses

Old Cleeve Parish Council - The above application was reviewed by Old Cleeve Parish Council at the August 2019 meeting and the following comments were noted:

- o Old Cleeve Parish Council previously objected to the development by the Wyndham Estate, both on this site and the linked site in Huish Lane. The main reason being the A39 traffic issues; entering through Washford and close proximity to the dangerous Walnut Tree Corner junction with Huish lane, combined with the lack of suitable footways/crossings
- o There are concerns over; the proposed public footpath linking the development to Huish Lane, safe access to essential services and the capacity of the school
- o The foul sewer serving Washford to Watchet, regularly surcharges in adverse conditions, creating flooding in Lower Washford - in particular the school. Any further loading may exacerbate this issue with increased frequency
- o The proposed full application submitted changes from the previous approved

outline application scheme from six dwellings to ten number, an increase of 40%, that in our opinion requires

re- evaluation

- o Old Cleeve Parish Council is also aware of an impending application by the Wyndham Estate for a further scheme of fifteen units situated between this site and the Huish Lane scheme - approved in outline. Any such proposal linking these developments via its roadway and Huish Lane would have an enormous impact for the reasons previously given and would be strongly opposed by Old Cleeve Parish Council

- o Planning Statement

- o Section 3 3.1 Details of the Section 106 Agreement - as the scheme triggers a financial contribution to offset the negativity of this development, Old Cleeve Parish Council should be part of the S.106 process

- o Only Washford village, within the Parish of Old Cleeve, allows permitted development under the Local Plan 2015-2032. Roadwater village is covered by the Exmoor National Park Authority Local Plan. All other locations in the parish are considered open countryside

- o Clause 3.2.2 This lists amenities, which is true, however some are only operated on

a limited and part time basis - in particular the Post Office/shop and the railway station. The school has limited capacity and is currently at its maximum. Access to the services required is by lanes or the A39 with either no or limited safe footways

- o Clause 3.2.4 'Regular trains' are not available as the part time railway is primarily holiday season use and is closed during the winter. This must be discounted as a regular or economic commuter service. The use of the private car is the prime means of transport, whilst the use of the bus service is possible (to Minehead and Taunton), the route and access to the bus stops are particularly hazardous at all times on the A39.

Sections 2 and 4 refer to 'regular bus services' and 'extensive bus services' - there are buses, but not to this extent.

Employment prospects locally are limited and commuting by car to Taunton, Bridgwater or Minehead is the only practical option.

Under the outline planning permission, it is stated that;

- ? under Condition 9, a Measures Only Travel Plan is required - this has not been addressed

- ? under Condition 14, the extension of the speed limit on the A39 to the west is required - this has not been addressed

- o Clause 3.3.4 The ditch/watercourse runs east/west across the site. This arises from

a natural spring east of the site in the grounds of Langtry House and ponds accordingly. The spring and associated ponds are clearly evidenced on the 1888 OS maps and regularly flood in severe adverse weather. Adequate provision will be necessary to prevent restriction and potentially creating a greater flood risk to Langtry House, access and new housing. This issue is not indicated on the submitted plans, and therefore nor is its resolution

- o Clause 3.4.5/3.4.6 The site is not well related to the village services - recognised at the

outline stage requiring the essential linked footpath to Huish Lane. Clause 3.4.6 states that there is no intention to light the path or create a hard surface and it will be managed by a company for future maintenance - the transport document

indicates tarmac. It is essential that the path is lit and surfaced as this was a particular issue raised by Old Cleeve Parish Council at the planning committee determination and agreed conditions imposed. Without this level of protection, during winter months/dark mornings and nights and the footpath being used by children or persons with disabilities - safety will be compromised. Condition 12 requires the linking footpath to be lit and 2.0m wide - this has not been considered

- o Clause 5.3 Transport, Access and Parking

Within paragraph 5.3.4, it is suggested that as the development is on the east side of Washford, that all traffic will travel to Williton or Watchet - this cannot be assumed.

Walking distances have been checked and are based upon the shortest, safe route; however, pavement footways are not continuous whilst crossing the A39 and this is hazardous at any point. Somerset County Council have confirmed that there are no safe places for

crossings or for the provision of. In 2018 Old Cleeve Parish Council conducted an in-depth road safety survey (evidence can be provided). Access to bus stops from the site in the westerly direction is the worst hazard. Easterly the bus stop near the Post Office/shop is considered inadequate (735m). The distance to Washford Inn/railway station is 896m. There is no adequate parking at the Post Office/shop and is situated on 'Cat Lane' a single-track one-way lane with no separate footways

- ? Paragraph 7.1 refers to the Travel Plan in the outline planning permission, then states this is not warranted, but the outline planning permission requires it
- ? Appendix B shows the swept path analysis - this shows large vehicles turning left in from or left out to the A39, as needing to use the wrong side of the road to make the turn, this is potentially dangerous

- o Clause 5.37/5.38 It is considered that part of the data is flawed as the former nursery

- and 5.39 site only operated between April and September and remained closed during the winter months. The operator was occasionally assisted by one other person (only ever a maximum of two persons). It was operated on a small-scale specialist basis and not a Garden Centre as suggested. This also meant that the traffic flow in and out of the site was minimal - vehicle movements were very low and cannot be used as a measurement against the increase in potential vehicle movements. West Somerset planning authority did not take this into account when considering the outline consent for six no. dwellings and with the increase to ten no. units, the comparison is distorted

- o Design and Layout

- o Clause 5.4.6 Measures to reduce carbon emissions - it is noted that the designs incorporate chimney structures/fireplaces. As Washford has no gas supply and oil is no longer compliant, solid fuel will emit considerable carbon. The designs do not incorporate solar thermal or solar voltaic provision. This is recommended along with battery storage and grid feedback facilities. To suggest the use of buses (diesel) or the railway (coal or diesel) is of no value as a design feature to reduce carbon emissions. Air sourced heat pumps of ground source are the preferred means of heating. Insufficient space is available for ground service provision. If air sourced heating is used, the position of the units will need to be designed so as not to cause a nuisance. Power loading (electric supply) may give rise to issues within the locality. Provision should be made for electric car charging - the parking court and tandem parking may present problems - how will this be addressed?

- o Ecology

o Clause 5.8.3 Old Cleeve Parish Council noted that the site was stripped of all vegetation and burnt on the day of purchase by the current developer, thus negating any habitat that may have been present. This was just before the ecological survey undertaken in June. Another survey is due to be conducted in September 2019

o Flood Risk and Drainage

Details do not appear to be included in the Planning Statement although are referred to under Clause 5.9.3

o Clause 5.9.3 Both the existing foul sewer (W.W.A.) and surface water spring/pond are noted as being in existence. No details are provided as to how these are going to be mitigated due to conflict with the proposed buildings. It should be noted that the foul sewer at the western boundary according to W.W.A. records is incorrectly plotted and is included in the adjacent property and also serves properties to the south of the A39

o Layout Design

o Old Cleeve Parish Council considers that the layout is flawed in part. Whilst it is accepted that consent in principle has been granted for six dwellings, subject to conditions, the increase to ten is excessive due to dwelling size and positioning

o The street scene facing the A39 is of concern as the mass of plots 1 - 3 overpowers the entry to Washford due to the forward positioning

o Plot 2 - a four-bedroom unit is constrained with minimal maintenance space between it and plot 3

o The triple (one behind the other) parking provision is particularly poor and rarely works in practice, giving rise to parking issues and neighbour disputes, particularly when visitors require parking

o Likewise, parking courts of this type serving plots 1 - 4 in time, may create issues over maintenance, cleaning and dumping of rubbish (social issues)

o There is an inconsistency between the transport document (Bellamy) stating minimum garage sizes and that provided for in the Reed Holland statement and house/garage/carport sizes. The larger sizes will be required

o Plot 3 is considered to be too large for the plot, the gable mass dominating the entry to the development site. Consideration should be given to a lesser property i.e. perhaps 1 ½ storey or single storey. The large screen wall abutting the footpath urbanises the approach

o Plot 5 pinches the pavement edge and it is suggested that it be set back to avoid possible damage to the structure

o Plots 6, 7 and 8 are poorly spaced, served by a shared driveway space and may well lead to conflict (as above) with regards to a lack of parking for visitors. Poor capacity can lead to parking issues within the road turning head or the potential of parking on the single pavement - creating damage and restricted movement for pedestrians and pram, wheelchair and mobility scooter users

o Provision for waste storage and recycling is not indicated - there is a strong objection to bins on streets or in front gardens

o This is not a level site, the proposed dwelling floor levels are not stated

In summary, Old Cleeve Parish Council objects to the current proposals. Consideration should be given to reducing the plot numbers/mass and provide a revised scheme addressing the issues raised. Old Cleeve Parish Council also request that this planning application is called in for review by the Planning Committee.

This was agreed by all members present.

Somerset County Council - West Somerset Highways - Impacts are less than severe so no objection subject to conditions for CEMP, width of access, disposal of surface water, details of road/infrastructures approved by condition, each dwelling has footpath and turning space prior to occupation, footpath connection to Huish Mews, consolidation of parking spaces, and visibility splays. Further notes that internal road will not be likely to be adopted and will be subject to APC under 219-225 of Highways Act

Housing Enabling Officer - The application was submitted in tandem with reserved matters application at the Huish Mews site (3/26/19/015, from outline application 3/26/14/026) which will meet the identified need in the parish and is 35% of total number of dwellings proposed by the original two linked outline applications, therefore no requirement for affordable at the nursery site if the current application has the link enshrined through a section 106 with a trigger mechanism to ensure delivery of the affordable at the Huish Mews site, with rented units at the Huish Mews site allocated via Homefinder Somerset and this included in the 106 agreement

Rights of Way Protection Officer - no comments received

Tree Officer - There is a TPO on the walnut tree which should be protected during build-out, and buildings at north end a very close to hedgebank should be bigger gap (this has since been amended), initial proposal for new plantings is an odd mixture seeking amendments to it and to plantings for gardens, as there is limited space can two or three larger trees be planted along footpath route?

Landscape officer - no comments received

Wessex Water Authority - no objections but noted that there is a mains water pipe to the south-east corner of the site and WW will not grant rights to build over this and a survey will be required at applicants expense to discover exact route of mains water pipe. Applicants have said will use soakaways to dispose of surface water, this is subject to approval by the LPA, all water infrastructure must be watertight as significant problems in the area with sewerage flooding due to high groundwater levels during periods of heavy rain. Connection foul sewerage network is acceptable

Somerset County Council - flooding & drainage - Applicant should be aware of flooding issues around Washford, the LLFA discourages culverting of open watercourse which runs through the site. Requested informative.

Police - Designing out crime officer - Does not object and noted that the development should comply with Part Q of building regulations, advised compliance with provisions of SBD2019, and advised that landscaping should not create dark hiding places

SWT Public Open Spaces - policy CF1 requires provision of appropriate public amenity space, this would be via a contribution towards an offsite childrens play area of £3328 per dwelling total of £33,280 (based upon 10no. dwellings, amended

accordingly to reduction in units)

Conservation Officer - no comments received

SCC - Ecologist - Required amendments to initial plans to allow for an ecological buffer. These have been provided and the ecologist has accepted the revisions and has not objected but has requested conditions, cited above

The South west Heritage Trust - The site overlies a deserted historic settlement noted in HER and is likely to impact on a heritage asset, previous permission had a condition for archaeological investigation. Therefore in accordance with paragraph 199 of the NPPF a condition for a programme of archaeological works to be completed in accord with an approved Written Scheme of Investigation should be attached to any permission granted.

Representations Received

The Somerset Wildlife Trust have written objecting to the development citing the submitted ecological report.

Two letters of representation have been received objecting to the development, issues cited are:

- Increase from 6 to 10 and high density which is out of keeping with the area
- Road safety and bad junction
- Drainage in the area limited and already there are reflux flooding events after heavy rainfall
- Not enough parking for visitors, turning space and room for bin lorries
- overdevelopment

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

LB/1	Listed Buildings Alterations and Extensions
9	The Built Historic Environment
LB/1	Listed Buildings Alterations and Extensions

NH13	Securing high standards of design
SC1	Hierarchy of settlements
R/6	Public Open Space and Small Developments
SD1	Presumption in favour of sustainable development

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

LB/1	Listed Buildings Alterations and Extensions
9	The Built Historic Environment
LB/1	Listed Buildings Alterations and Extensions
NH13	Securing high standards of design
SC1	Hierarchy of settlements
R/6	Public Open Space and Small Developments
SD1	Presumption in favour of sustainable development

Determining issues and considerations

The main issues are - principle of development, affordable housing and links to previous outline permission and Huish Mews development, legal agreement, design, roads and parking, ecology, landscaping, archaeology, footpath, public open space, drainage and flooding

Principle of development

This application was submitted in tandem with a reserved matters (RM) application at the nearby Huish Mews site (reference 3/26/19/015 for the RM and 3/26/14/025 for the outline) and follows on from two outline consents granted in 2017 which linked both sites with this 'nursery' site (reference 3/26/14/026 outline) providing open market housing and the related Huish Mews site providing affordable housing. The approval for both outlines was conditional upon a mix of affordable housing and open market being provided across the two sites which are separate and not directly linked or contiguous to one another but were in the same ownership. This policy-compliant affordable housing mix was achieved via a legal undertaking related to both outline permissions. However this application is a full planning application, not an RM directly linked to the original outline, but which seeks to continue the principle of linking the sites to provide affordable housing on the other Huish Mews site, whilst providing open-market housing at this 'nursery' site. As before the formal link would be established via a legal agreement.

The site is on the edge of the settlement of Washford where some limited residential development is allowed under the adopted Local Plan. The initially submitted proposal was for 10no. dwellings. However after discussions with the County ecologist and consideration of constraints at the site, this was amended to 9no. dwellings. Additionally the proposal includes development of a footpath/cycleway to

link both sites and provide safe pedestrian and bicycle access to the centre of Washford.

The previous outline consent is a significant material consideration and it is considered that the principle of development is acceptable if any permission granted at the site is bound to the delivery of affordable housing at the Huish Mews site via a section 106 legal agreement. It is acknowledged that the affordable/open market mix has slightly changed but this is considered to be in accordance with local plan policies.

If permission is granted this should be conditional upon drafting and signing of a legal agreement to ensure development beyond five units cannot take place unless all the affordable units at Huish Mews have been delivered or an appropriate off-site affordable housing contribution has been agreed and paid by the developers. The legal agreement should also address works for the footpath, public play areas contributions, and management and maintenance issues related to the estate road and culverting of the watercourse. The previous outline application at the site was subject to a similar legal agreement allowing for two developments to be linked with one delivering the market element and one delivering affordable housing (see committee updates for the WSC planning committee December 2017. The essential principle of one site for affordable and one for market housing is considered to have been replicated in this application, with appropriate safeguards should there be a failure to deliver affordable housing at the Huish Lane site (3/26/19/015).

Design

The proposal would create a small cul-de-sac style of residential development on the southerly approach to Washford. The proposed dwellings would be largely traditional in design and many would feature garages although there would also be a parking court for use by some of the dwellings towards the south-west end of the site. The initial design for ten houses was amended to reduce this number to nine dwellings and increase the buffer to the edge (hedgerows), which has also increased the land available for soft landscaping which is of net visual benefit to the proposed scheme. Subject to a condition for final approval of materials the design is considered to be acceptable and would not create any significant issues with amenity to existing dwellings or to each other within the proposed scheme. Minor revisions to the design were agreed in the light of comments from the ecology officer at SCC, these are not considered to have changed the reasons for recommending approval and have not had a detrimental impact on the design and layout.

Roads and parking

The site has an existing access which would require some improvements, but is considered acceptable for the scale of proposed development. There is adequate off-street parking and reasonable turning spaces. The scheme would include permeable paving and the internal estate road is not expected to be adopted. The County highways officer has not objected to the proposal but has requested various conditions which would be appended to any permission granted.

Ecology

The site has some significant biodiversity potential including for protected species such as bats and these have been surveyed in the initial Preliminary Ecological Assessment. The County ecologist recommended creation of a wildlife buffer to the edges of the proposed development, and this has been agreed by the agents and plans amended accordingly. A final survey and report was submitted on 25/11/2019 and this was reviewed by the County ecologist, who has not raised any objections but has recommended various conditions pertinent to the development.

Landscaping and trees

The proposal includes retention of many of the existing trees and hedgerows with some additional plantings. The tree officer has not objected to the scheme but has requested some revisions to the proposed soft landscaping, protection for retained trees and some new tree planting along the footpath route. These would be set by condition where and if appropriate. The TPOed walnut tree would be retained and protected.

Archaeology

The site is recorded as having some archaeological potential in the Somerset Historic Record and it is therefore required that a 'prior to commencement' condition for a scheme of archaeological investigation and reporting is agreed by the LPA and implemented. The previous outline application at the site included a site specific archaeological report.

Public Open Space and footpath

Local Plan policy CF1 requires a contribution for public play areas in the locality, this would be part of the section 106 legal agreement. There is a small area of open space amenity land shown on the site plan but this is adjacent to the highway and likely to be unsuitable as a site for play provision.

The proposal includes the provision of a footpath/cycleway connecting this site to Huish Mews, which is considered necessary to allow for pedestrian access to the Huish Mews site and central Washford. Subject to conditions and inclusion within the legal agreement the footpath is considered acceptable.

Drainage and flooding

The majority of site is not within a high risk category flood zone although due to the presence of an open watercourse there is a small portion of the site which has increased flood risks. The application documentation includes an initial drainage

strategy drawn up by Shear Design, consultant civil engineers, based upon establishing connections to existing foul water pipes for sewerage disposal and soakaways (with appropriate ground testing undertaken) for disposal of surface water, and culverting the stream which bisects the site. Whilst in principle the drainage strategy is acceptable it is based on the originally submitted layout to provide 10no. dwellings and has not been amended since revisions have been made to reduce this number and amend the layout. Additionally the consultation response from Wessex Water (WW) has identified a fresh water mains pipe cutting across the south-east corner of the site which the utility company have stated cannot be built over and that at least a 3m easement is needed around it. Most of the area indicated in WW's plan submitted as part of the consultation response would be soft landscaped including the root protection zone of an extant tree, but it is very likely that the road access point will be close to, or within the minimum 3m area in which build-over works could not take place. The proposed culverting works have been assessed by the LLFA and whilst it is not their preferred option they have not objected to the proposal. However final details of the culverting and its management have not been supplied and will be required prior to implementation of any culverting works.

It is therefore considered that the proposed water management strategy at the site is acceptable in broad outline but requires a condition for additional details and necessary re-consultation with the LLFA and Wessex Water to ensure that any groundworks do not impact on existing mains water supplies and that the culverting works are acceptable and that sufficient management and maintenance systems are in place for its continuing operation.

Other matters

The Parish Council have objected to the scheme for various reasons cited above related to highways, lack of pedestrian access and other matters. They have also requested that the application is called into committee and asked for a reduction in the scale of development. These comments were made before the proposal was revised to reduce the number of dwellings. Other matters raised are discussed above. Two letters of objection were received, the matters raised are also discussed above.

Conclusion

This application departs from the original outline consent and has taken a new approach to delivering open market housing at the site from that envisaged under permission 3/26/14/026. However with a legal link to the Huish Mews site it would be possible to ensure policy-compliant provision of affordable housing at the two sites. The issues initially highlighted by the County ecologist have been addressed in revised drawings through the creation of a wildlife buffer zone to the peripheries of the site, and no further objections raised by him, subject to requested conditions. Provided that any decision is subject to a suitable legal agreement under section 106 of the 1990 Town and Country Planning Act, and the conditions as cited above are included with any permission granted, the application is recommended for

approval.

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



38/21/0014

FRENCH WEIR AFFORDABLE HOMES

Variation of Condition No's 02 (Approved Plans), 04 (Landscaping Scheme), and 06 (Wildlife Strategy) of application 38/17/0281 on land south of Weir Lodge, 82 Staplegrove Road, Taunton

Location: LAND SOUTH OF WEIR LODGE, 83 STAPLEGROVE ROAD,
TAUNTON, TA1 1DN

Grid Reference: 322076.125059 Removal or Variation of Condition(s)

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

- (A3) FWTS/01 Location Plan
- (A3) FWTS/02 Block and roof plan
- (A3) FWTS/03 Rev A Site Plan
- (A3) FWTS/04 Rev A Site Sections as Proposed & Existing
- (A3) FWTS/05 Rev A Ground Floor Plan
- (A3) FWTS/06 Rev B First Floor Plan
- (A3) FWTS/07 Rev B Attic and Roof Plan
- (A3) FWTS/08 Rev F Section
- (A3) FWTS/09 Rev G Proposed Elevations
- (A3) FWTS/13 Solar Panels
- (A3) FWTS/14 Bike Shed/bin store
- (A3) FWTS/15 Rev A Site Boundaries
- (A3) FWTS/16 Rev A Site Boundaries

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

2. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

3. (i) The landscaping scheme approved under permission 38/17/0281 shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (ii) 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, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. All existing trees on site shall be protected in accordance with BS5837:2005 Trees in relation to construction.

Reason: In the interests of the visual amenity of the area in accordance with SADMP Policy ENV1.

5. The development hereby permitted shall be carried out in accordance with the strategy to protect wildlife submitted and approved in writing by the Local Planning Authority under permission 38/17/0281. The strategy shall be based on the advice of EPS Ecology's and Ambios ecology's submitted reports.

The works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented.

Reason: To protect and accommodate wildlife.

6. The windows in the first floor north east elevation to the bathroom and the ensuite of the plot nearest French Weir Avenue shall be glazed with obscure glass and the Master Bedroom window nearest to French Weir Avenue in the north east elevation of the plot nearest to French Weir Avenue shall be glazed with obscure glass and details of the glazing shall be agreed prior to installation and thereafter be so retained. There shall be no alteration or additional windows in this elevation without the further grant of planning permission.

Reason: To ensure the privacy of the adjoining occupiers in accordance with Policy D5 of the SADM Plan.

7. Finished flood levels shall be set no lower than 16.76m AOD (above ordnance datum).

Reason: To protect future residents in regards to flood risk.

8. No dwelling shall be occupied until space has been laid out within the site in accordance with the plan FWTS/03 for 2 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and the parking spaces shall thereafter be retained for use by the approved properties.

Reason: In the interests of highway safety and in accordance with Policy A1 of the SADMP and Policy DM1 of the Core Strategy 2011-2028.

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

The proposal is to vary 3 conditions of the previous planning permission on the site to allow for different wording on conditions 4 and 6 as they have been partially dealt with and new plans on condition 2 to allow for an increase in height of 1.3m to allow for additional room in the roof space. The other elements of the scheme in terms of layout, parking, bike/bin store and free standing solar panels are as previously approved and do not change.

The applicant is related to a member of the Council.

Site Description

The site is a triangular piece of open land to the rear of Weir Lodge that is open and bounded by fencing on two sides and a stone wall on the boundary with the Lodge.

Relevant Planning History

38/17/0281 - Erection of 2 No. semi detached dwellings with associated landscaping, fencing, relocation of solar panels and alteration of garden land south of Weir Lodge on land off French Weir Avenue, Taunton CA 13/10/17
38/20/0371/NMA - Non-material amendment to application 38/17/0281 for revisions to floor plans, elevation and section accommodating increased insulation, installation of air to water heat pumps and roof mounted solar panels and rooflights to achieve zero carbon development on land south of Weir Lodge, French Weir Avenue, Taunton CA 22/12/20

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP - Refer to standing advice.

WESSEX WATER - No comment received.

ENVIRONMENT AGENCY - No comment received.

LANDSCAPE - No comment.

HERITAGE - No comment.

SCC - ECOLOGY - As this is a variation of condition application: Further to discussions with Natural England, the proposed application, with associated low levels of Phosphate production, is unlikely to add significantly to nutrient loading on the Somerset Levels and Moors Ramsar site; therefore a Likely Significant Effect under The Conservation of Habitats and Species Regulations 2017 (and as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) can be ruled out.

I have no other comments regarding this application.

Habitats Regulations Assessment

Not required as there is an existing extant permission on this site partially completed and the changes to the scheme would not impact on the nutrient load of the Levels and Moors Ramsar site and a likely significant effect can be ruled out.

Representations Received

1 letter of objection on grounds of increase in height and overshadowing, greater noise and visual impact.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

NPPF - National Planning Policy Framework,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP4 - TD CORE STRATEGY - HOUSING,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
A1 - Parking requirements,

Local finance considerations

Community Infrastructure Levy

This application adds additional floorspace to that already approved under 38/17/0281.

Approx. 30sqm of additional floorspace is to be added in the lofts.

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £2,100.00. With index linking this increases to approximately £3,000.00.

Determining issues and considerations

The issues here are the impact on the character and amenity of neighbours due to the increase in height of the dwellings and the wildlife/habitat impact of new dwellings as this involves a new application for housing within a catchment at risk.

The proposal differs from the previous approval on the site in that the ridge height of the dwellings are being raised by 1.3m to allow for a room within the roof space. One neighbour has objected on the basis of light and amenity impact. The proposed dwellings lie to the north west of the existing properties fronting French Weir Avenue and consequently, given the orientation, the increase in 1.3m in ridge height is not considered to adversely impact the neighbours to the south due to overshadowing. The increase in height is also not considered to be such a visual intrusion over the approved scheme to warrant an objection and there is not considered to be any reason why there would be significantly greater noise over the proposal than that already approved.

The proposed dwellings are located to the rear of Weir Lodge and also to the rear of 14 and 16 French Weir Avenue. The properties face west towards the Health Centre and the side elevation facing south east towards the rear of the French Weir Avenue properties has no first floor windows overlooking. The first floor windows facing north east serve a bedroom an ensuite and a bathroom and so two of these would be obscure glazed. The bedroom windows would give an oblique view of the rear of numbers 10 and 12, with the end of the garden of 12 being the closest at around 7m away. The obscure glazing of the nearest window is therefore considered appropriate and necessary to safeguard privacy and with this condition the impact is considered an acceptable one. The first floor windows to the front look out towards the parking and turning area for the doctor's surgery, however it is not considered the overlooking from bedroom windows is such a loss of privacy to warrant refusal of the development. Thus it is still considered appropriate to impose the previous condition concerning obscure glazing.

The County Ecologist has confirmed that there is no Likely Significant Effect under the Habitats Regulations and so the application can be determined as submitted. A wildlife condition was previously imposed on the scheme and details submitted and approved. A revised condition is required to ensure the approved scheme is carried out.

A site specific flood risk assessment was previously produced and the disposal of both surface water and foul water drainage has been agreed with Wessex Water. Consequently the works proposed are not considered to increase risk of flooding elsewhere and the Environment Agency has previously raised no objection. The current scheme only differs in terms of height, not floor area of the built form and so previously approved details would still apply. The FRA identified a finished floor level of 16.75 AOD, however the Environment Agency considered this should be raised to 16.76 AOD and this is conditioned as per the previous scheme.

The site for two semi-detached properties lie on a triangle of land at the end of the garden of Weir Lodge. The site lies outside of the Conservation Area and the development would be of a form similar to the surrounding residential development. Consequently the proposal was and is not considered to harm the setting of the conservation area and this view was supported by the Conservation Officer. The site also lies within the curtilage of the listed building known as Weir Lodge and the site is already defined by a boundary wall. The site is well screened from the listed building and the dwelling is around 60m away and the proposal is not considered to harm the setting of the listed building. Consequently the proposal is considered to comply with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The access and parking for the development will be as previously agreed and this was considered to comply with policy A1 of the Local Plan.

The revisions also take into account climate change as they include additional insulation, installation of air to water heat pumps and roof mounted solar panels in order to achieve a zero carbon development.

In summary the changes to the scheme are considered acceptable and not to significantly harm residential amenity over the approved scheme and the improvement to a zero carbon development is to be welcomed.

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

Contact Officer: Mr G Clifford

APPEAL DECISIONS – 29 APRIL 2021

Agenda Item 11

Site: BAR 21, 19-21 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

at Bar 21, 19-21 The Avenue, Minehead

Application number: ECC/EN/18/00058

Reason for refusal: Appeal – Dismissed, Costs – Refused

Original Decision:



The Planning Inspectorate

Appeal Decision

Site visit made on 3 March 2021 by **P N Jarratt BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 March 2021

Appeal Ref: APP/W3330/C/20/3260776 Cafe Bar 21, 21 The Avenue, Minehead, TA24 5AY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr W Wynn against an enforcement notice issued by Somerset West and Taunton Council.
- The enforcement notice, numbered ECC/EN/18/00058, was issued on 21 August 2020.
- The breach of planning control as alleged in the notice is

- a) the construction of a rear extension in the position as shown edged green on the plan annexed to the notice;
 - b) the construction of a timber toilet block in the position as shown edged purple on the plan;
 - c) the erection of a 2.75 metre high timber fence and gates in the position as shown edged light blue on the plan;
 - d) the erection of a timber pergola in the position as shown edged yellow on the plan;
 - e) the 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;
 - f) the installation of timber cladding at first floor level on the south and east elevations of the building.
- The requirements of the notice are:
 - a) demolish the extension to the rear of the building and remove from the land all materials resulting from such demolition;
 - b) demolish the timber toilet block and remove from the land or materials resulting from such demolition;
 - c) remove from the land the 2.75 metre high timber fencing with gates;
 - d) demolish the timber pergola and remove from the land all materials resulting from such demolition;
 - e) take up the raised decking area with associated fencing and glazed screen panel and remove all resulting materials from the land;
 - f) remove the timber cladding from the building and remove all resulting materials from the land.
 - The period for compliance with the requirements is 9 months.
 - The appeal is proceeding on the grounds set out in section 174(2), (c), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
 - **Summary of decision:** allegation corrected, appeal dismissed and notice upheld following variation.

Procedural Matters

1. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.
-
2. The appellant has appealed on ground (b) that the matters alleged in respect of allegation 3(f) relating to timber cladding on the first floor level on the south and east elevations of the building have not taken place. However, this is a matter for consideration on ground (c), which is how I have considered it below.
 3. Where a case relies on legal grounds, the onus of proof rests with the appellant and the level of proof is on the balance of probability.

The appeal site and relevant planning history

4. The appeal property is a semi-detached building located on the commercial frontage of The Avenue within the Wellington Square Conservation Area. The ground floor and the open areas to the front, side and rear are used in connection with the café/bar. The outside area contains the various structures the subject of the allegation.
5. Permission was granted for a change of use from A1 retail sales to A3 restaurant/café in July 2013 (3/21/13/050) and for the display of nonilluminated signage in May 2014 (3/21/14/035).
6. In March 2020 permission was refused for the retention of a rear toilet block, 2.75 high timber fencing with gates, 2 portable timber carts and a timber pergola (3/21//18/080).

The appeal on ground (c)

7. An appeal on this ground is that there has not been a breach of planning control. The appellant states that allegation 3(f) relating to timber cladding on the first floor level on the south and east of the building was installed as part of advertisement consent 3/21/14/035 and he believed that the cladding formed part of that consent. It is pointed out that although condition 4 of the consent required the removal of the adverts within 5 years, this was not followed up by the Council who would have been able to deal with the matter under the Advertisement Regulations.
8. The display of advertisements is controlled through a specific approval process and separate planning permission is not required in addition to advertisement consent. Advertisement consent grants permission for the structure, but if the structure and/or the advertisement is different to that approved, other than changes that can be regarded as *de minimis*, then no consent exists. In this case, the Council advises that the timber cladding is different to that approved in the 2014 application in that it is higher obscuring the lower part of the first floor windows and also that the signage is different. From my observations when I visited the site, the assessment of the Council appears correct.
9. Accordingly, a breach of planning control has occurred as no permission exists for the timber cladding and the appeal on this ground therefore fails.

The appeal on ground (d)

10. An appeal on this ground is that it is too late for enforcement action to be taken. The appellant states that the gates and fencing subject to allegation 3(c) were substantially completed in August 2016 and are therefore immune from enforcement action through the passage of time.
11. The appellant has submitted a declaration, which takes the form of an unsworn statutory declaration which has not been witnessed because of the difficulty in gaining access to a Solicitor during the current Covid restrictions. The appellant states in the declaration that the 2.75m high timber fence and gates were substantially completed by his contractor Mr Andrew Hall prior to August 2016. Mr Hall has provided a letter dated 2 October 2020 to this effect.
12. The appellant has submitted an October 2016 Google street view photograph of the premises. This shows the front and side of the appeal site with some fencing shown and the timber cladding on the south elevation. The detail and extent of the fence is unclear and its height cannot be ascertained. The photograph also post-dates 21 August 2016 which is 4 years prior to the issue of the notice. Other than the appellant's declaration and Mr Hall's letter, no further evidence has been submitted to support the date when the works were executed such as invoices and receipts, which would normally be expected. However, notwithstanding this, and having regard to the *Gabbitas* case¹ I attach sufficient weight to the appellant's declaration to accept that, on the balance of probability, the fence and gates were erected before August 2016 and are immune from enforcement action by virtue of s191.
13. The appellant also claims that the timber cladding on the south elevation has been in place for over 4 years prior to the date of the notice. This is shown on the October 2016 Google street view photograph as extending across the front (south) elevation of the appeal property but stops short of the corner of the building and is absent from the

¹ FW *Gabbitas v SSE and Newham BC* [1985] JPL 630

east elevation. It cannot therefore be considered as being substantially completed and immune from enforcement action through the passage of time.

14. The appeal on this ground succeeds so far as allegation 3 (c) is concerned but fails in respect of allegation 3(f).

The appeal on ground (f)

15. In view of my conclusion on the ground (d) appeal, it is only necessary for me to consider the appeal under ground (f) so far as it relates to requirement 3(f).
16. The appellant considers that the step to remove all the cladding is excessive on the basis that the cladding on the front (south) elevation is immune from enforcement action. However, as I have found above, the cladding was not substantially completed 4 years prior to the notice it is not immune.
17. The purpose of the requirements of a notice is to remedy the breach by discontinuing any use of the land or by restoring the land to its condition before the breach took place or to remedy an injury to amenity which has been caused by the breach. It is necessary for the requirements to match the matters alleged and therefore I consider that the requirements of the notice in this case do not exceed what is necessary to remedy the breach.
18. The appeal on this ground fails.

The appeal on ground (g)

19. An appeal on this ground is that the time for compliance is too short and that a period of 2 years would be appropriate and proportionate due to Covid restrictions. However, against this it is necessary to consider the continuing harm that the unauthorised development has on the street scene and Conservation Area and that this harm should be mitigated as soon as possible.
20. It is accepted that the hospitality sector has been severely affected as a result of enforced closure. Notwithstanding this, and in view of the difficult trading situation that has arisen, I believe that a period of 12 months would be a reasonable compliance period.
21. To this extent, the appeal on this ground succeeds.

Conclusions

22. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice with correction and variations.

Decision

23. It is directed that the enforcement notice be corrected by the deletion of allegation (c) relating to the erection of the fence and gates; and varied by:

- i) the deletion of requirement (c) relating to the fencing and gates; and
- ii) the deletion of 9 months for the period for compliance and its replacement with a 12 month compliance period.

Subject to these variations the appeal is dismissed and the enforcement notice is upheld.



Costs Decision

Site visit made on 3 March by **P N Jarratt BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 March 2021

Costs application in relation to Appeal Ref: **APP/W3330/C/20/3260776 Café Bar 21, 21, The Avenue, Minehead, TA24 5AY**

- 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 Mr W Wynn for a partial award of costs against Somerset West and Taunton Council
 - The appeal was against an enforcement notice alleging the construction of various outdoor timber facilities.
-

Decision

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

Reasons

2. The Planning Practice Guidance 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.
3. The applicant believes that additional expense has been incurred in communicating with the Planning Inspectorate and the Council as a result of a misleading letter sent by the Council to the Town Council and to two ward councillors. This letter, dated 26 November 2020, included details of the wrong breach of planning control and the steps to remedy that breach.
4. The Council has acknowledged that its officer merged the wrong details relating to another enforcement case into their notification letter. On being notified by the applicant's agent the Council responded promptly on 18 December 2020 apologising for the error and also notifying the Town Council and ward members.
5. Although the applicant is aggrieved that the letter caused confusion and invited adverse and misleading comments, in my view it would be difficult to confuse the applicant's business premises with the wrong reference in the letter to the storage of unauthorised mobile homes and caravans not connected with an

agricultural use. I would be surprised if the Town Council or ward members could not readily distinguish that the contents of the letter were erroneous.

6. The Council consider the matter to relate to a small administrative error, which appears to be the case. Although the applicant claims the error has caused unnecessary stress and anxiety. I do not consider that this should have led to anything more than the agent notifying the Council of the error. It seems that the appellant has been disproportionate in his response to the Council's error and in his concern over the consequences as far as his business plans and licence applications may have, bearing in mind the extent of unauthorised development that has been carried out at the appeal premises.
7. I note also that the applicant raises exception to the grounds of appeal quoted in the Council's letter claiming that anyone wishing to make representations cannot fully understand the grounds appealed. In this case, the Council referred to a ground (a) appeal which I note was one of the grounds originally pleaded by the applicant. However the applicant did not pursue this ground of appeal and it was therefore unnecessary for the Council to refer to it in the letter of 18 December 2020 having been notified by the Inspectorate on 19 November 2020 of the grounds. It was also unnecessary for the Council to respond to the ground (a) matters in their statement received on 22 December 2020. However, none of this has any material impact on the application for a costs award.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

P N Jarratt

Inspector

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

Reason for refusal: Appeal – Dismissed,

Original Decision: Chair – Refused



Appeal Decision

Site visit made on 24 February 2021 by **Adrian Hunter**

BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2021

Appeal Ref: APP/W3330/D/20/3260947 29 Quay Street, Minehead, Somerset TA24 5UL

- 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 Mark Nixon against the decision of Somerset West and Taunton Council.
 - The application Ref 3/21/20/045, dated 18 June 2020, was refused by notice dated 14 September 2020.
 - The development proposed is erection of raised decking and outbuilding.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that the application is retrospective, and the development has already been undertaken. For the avoidance of doubt, I have determined the appeal on the plans as submitted.
3. For reasons of precision and clarity, I have taken the description of development from the Council's Decision Notice.

Main Issues

4. The main issues in this appeal are:

- Whether the proposed development would preserve or enhance the character or appearance of the Quay Street Conservation Area (QSCA) and affect the setting of 29 Quay Street, a Grade II Listed Building; and
- The effect of the proposal upon the living conditions of neighbouring residents, in particular from overlooking.

Reasons

5. The appeal site lies within the Quay Street Conservation Area (QSCA). The QSCA is mainly focused around the historic core of the existing harbour and the structures associated with it, along with the buildings which front the Quay Side. Within the QSCA, built development predominately faces towards the coastline, with the form, scale, materials and detailing of the buildings being defining features of its character and appearance. Other defining features include the harbour and views of it along Quay Side, and the existing heavily treed embankment that steeply rises to the rear, providing a distinct and obvious backdrop to the buildings.
6. The appeal site is a three storey, partially thatched, Grade II listed building, which forms part of a terrace of buildings that line the western side of Quay Street. The special interest and significance of the building is therefore informed by its architectural interest as a building of some age, along with its relationship with neighbouring buildings.
7. The outbuilding and decking area are positioned in a part of the appeal site which is accessed via a set of steep steps and, due to the surrounding topography and their position, are located above the roof heights of both the appeal and surrounding properties. Consequently, the development is visible from a number of surrounding viewpoints. When seen against the backdrop of the existing embankment, the proposal represents a form of development that is a visible feature in views along Quay Side, and introduces an unacceptable form of development which is at odds with the verdant and sylvan backdrop to the listed building and the QSCA. As a result, the proposal fails to adequately respond to the sensitivity of its location.
8. Whilst the surrounding trees, along with the potential for additional planting and screening would, to a certain degree, lessen the visual impact of the proposal, this would however, in my view, not be to a sufficient extent so as to overcome the identified harm to the heritage assets.
9. Given the above, I find that the proposal would fail to preserve the special interest of the listed building and the significance of the QSCA. Consequently, I give this harm considerable importance and weight in the planning balance.
10. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
11. The appellant has not advanced any arguments in relation to the development's public benefits. Consequently, the development would conflict with Policies NH1 and NH2 of the West Somerset Local Plan 2032 (LP) and the Framework. Amongst other things, these policies seek to conserve the local character and historic environment and protect the setting of listed buildings. The proposed development would also conflict with the aims of The Framework as it would fail to sustain the

significance of the designated heritage asset where the public benefits would not outweigh the harm.

Living conditions

12. Despite being located in a position that is higher than surrounding dwellings, due to the steepness of the topography and the presence of existing trees, views onto neighbouring land is restricted. Furthermore, even without the decking in place, this part of the appeal site is in use as a garden associated with the appeal property. As such, the proposed decking would not materially increase overlooking of surrounding residential properties.
13. For the above reasons, I therefore conclude that the proposed development would not harm the living conditions of surrounding residents through overlooking and, in this respect, accords with Policy BD/3 of the LP and Paragraphs 127 of the Framework. These policies, amongst other things, seek to avoid development that would have an unacceptable impact upon the amenities of neighbouring dwellings.

Other Matters

14. The appellant has referred me to other developments to the rear of a number of properties along Quay Street. Having reviewed the information before me, whilst some of these developments are visible within the street scene, I do not consider that their presence outweighs the harm found from the appeal proposal to the identified designated heritage assets. In any event, I am required to consider the appeal on its own merits.
15. Reference has been made by a number of surrounding residents with regards to the impact of the proposal upon slope stability within the area, although I have not been provided with any evidence to substantiate these concerns. Therefore, on the basis of the information before me, it would be unreasonable to withhold planning permission for this reason alone.

Conclusion

16. Although I have found no harm in terms of the impact of the proposal upon the living conditions of surrounding residents, this would be outweighed by the harm from the other main issue. Therefore, for the above reasons, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR

Site: Land off Shurton Lane, Stogursey

Proposal: Outline application with all matters reserved except for access for a residential development of up to 70 No. dwellings

Application number: 3/32/19/0011

Reason for refusal: Appeal – Dismissed,

Original Decision: Delegated Decision – Refused



The Planning Inspectorate

Appeal Decision

Hearing Held on 2 and 3 February 2021 Site visit made on 4 February 2021 **by**

Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2021

Appeal Ref: APP/W3330/W/19/3243508 Land off Shurton Lane, Stogursey TA5 1RW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Land Allocation Limited against Somerset West and Taunton Council.
 - The application Ref 3/32/19/011, is dated 18 March 2019.
 - The development proposed is described as being for 'residential development'.
-

Decision

1. The appeal is dismissed and planning permission for residential development of up to 70 dwellings is refused.

Procedural Matters

2. The planning application was submitted in outline form, with access being for determination and matters relating to appearance, landscaping, layout and scale being reserved for future consideration. The appellant wrote to the Council on 16 October 2019 conforming that the proposal should be considered as being for a development of up to 70 dwellings, with 35% affordable homes provision in line with the Council's policy requirement. I have therefore considered the appeal on the basis of it concerning a development for up to 70 dwellings.

3. The Council failed to determine the application within the prescribed period. Although this appeal was submitted on 18 December 2019, the Council mistakenly sought to determine the application on 20 December 2019 and issued a decision notice on that day purporting to refuse planning permission for three reasons (the R/R). The Council's decision notice has no formal status and I have therefore treated the Council's R/Rs as being putative ones.
4. The Council's second putative R/R raised a concern that the development would be an inefficient use of land, as it was thought its density would be comparatively low at nine dwellings per hectare (dph). That being based on information contained within the submitted application. The appellant has subsequently clarified that the development's density would be around 21dph. The Council has confirmed that with that clarification its concern about the efficiency of the site's use has been addressed and that the matter raised via the second putative R/R was no longer a contested one. I have therefore considered the appeal accordingly.
5. The third putative R/R contended that, in the absence of the adequate assessment of noise arising from the operation of the adjoining Little Lukes Farm, the occupiers of the development could experience unacceptable living conditions. However, the appellant has submitted an acoustic appraisal with the appeal and the Council in the Statement of Common Ground (SoCG) of 21 April 2020² has confirmed that its concern in this regard could be addressed through the imposition of a planning condition. I see no reason to take a contrary view and I have therefore treated the safeguarding of the living conditions of the prospective occupiers as being uncontested.
6. At my request after the Hearing had finished sitting the Council submitted:
 - documentation relating to the designation of the Exmoor and Quantock Oakwoods Special Area of Conservation (the SAC); and the conservation objectives for and condition of this SAC; and
 - consultation comments made by the Somerset County Council in its capacity as the local education authority.
7. As per the timetable agreed at the Hearing, the appellant has submitted an updated Unilateral Undertaking (UU) that was executed on 10 February 2021. That UU supersedes the 'original' UU executed on 1 May 2020. The planning obligations contained in the UU would secure:
 - 35% affordable homes provision.
 - The payment of a contribution of £3,263.00 per dwelling for the provision of off-site children's play equipment.
 - The provision in perpetuity of and the management for open space within the development.
 - The payment of education contributions, calculated on a formulaic basis determined by the final number of dwellings within the development, for pre-school, primary school and secondary school facilities.

² Entered into between the appellant and the Council

- The implementation of a travel plan for the occupiers of the development and the payment of monitoring fees associated with that plan's implementation.
8. Following the receipt of the updated UU, the Hearing was closed in writing on 12 February 2021.

Main Issue

9. Having regard to the Council's first putative R/R, I consider that the main issue is whether the site would provide an appropriate location for the development, having regard to local and national planning policies relating to the location for new development.

Reasons

10. The development would occupy pastoral farmland with an area of 3.37 hectares. The site adjoins part of Stogursey's northern built up area and lies to the west of Shurton Lane. Shurton Lane forms part of the local public highway network and within the immediate vicinity of the site it has a width sufficient to accommodate a single vehicle. As part of the proposed development Shurton Lane would be widened to enable vehicles travelling in opposite directions to pass each other.
11. Stogursey is a quite modestly sized village, where a limited range of everyday services and facilities are available. Those everyday services and facilities comprise: the Stogursey Church of England Primary School; two village shops, one of which also includes a sub post office; the Greyhound Inn public house; the St Andrew's church; Victory Hall and Youth Club with associated recreation ground; and a play area off Burgage Road. Within the village or adjoining it there is a vehicle repair garage and a number of farms. The nearest secondary school to Stogursey is in the region of 14.9 Km (9.3 miles) from the village³. Employment opportunities within Stogursey are very limited.
12. Stogursey is served by some regular, but low frequency bus services, including one that is currently operated by EDF Energy in association with the construction of the Hinkley Point C power station (HPC). By bus the journey times between Stogursey and Taunton or Bridgwater are around an hour³. Generally, amongst existing residents of Stogursey I consider it likely that there is a high dependency on private motor usage when travelling to and from places of work or in gaining access to the full range of services and facilities available in the larger settlements in the wider area.
13. Following the creation of Somerset West and Taunton Council on 1 April 2019, the development plan relevant to Stogursey continues to comprise the West Somerset Local Plan to 2032, adopted in November 2016 (the WSLP), and the saved policies of the West Somerset District Local Plan of April 2006.
14. Policy SC1 of the WSLP sets out the spatial strategy underpinning the approach to new development. The supporting text to Policy SC1 states '*The policy seeks to achieve a beneficial distribution of new development within the local plan area, so as to maintain or strengthen the current service roles and functions of the various settlements*'. To that end Policy SC1 identifies a

³ Appendix E in the Strategic Housing Land Availability Assessment of March 2020 ³
Based on the timetables appended to the appellant's interim travel plan

hierarchy of settlements, with most new development expected to be directed to the 'main' centres of Minehead/Alcombe, Watchet and Williton.

15. Under Policy SC1 Stogursey has been identified as a 'primary village' where *'limited development ... will be permitted where it can be demonstrated that it will contribute to wider sustainability benefits for the area'*. Policy SC1 goes onto state:

'Development within or in close proximity (within 50 metres) to the contiguous built up area of ... primary ... villages will only be considered where it can be demonstrated that: A. It is well related to existing essential services and social facilities within the settlement; B. There is safe and easy pedestrian access to essential services and social facilities within the settlement ...'.

16. Within the definitions section of Policy SC1's supporting text, limited development is defined as *'... individual schemes of up to ten dwellings providing about a 10% increase in a settlement's total dwelling number during the Local Plan period, limited to about 30% of this increase in any five year period'*. For the purposes of Policy SC1 the dwelling number for Stogursey at the 'start of the plan period' was identified as being 388 dwellings in the village, rather than the wider parish area⁴. At the Hearing the Council clarified that Stogursey's dwelling number of 388, as well as those for the other primary villages, quoted in Policy SC1's supporting text should be taken as being the position when the WSLP was submitted for examination in 2015, rather than the situation at the beginning of the local plan period in 2012⁵.

17. While the supporting text for Policy SC1 does not form part of this policy's actual wording, it assists with this policy's interpretation. In essence for primary villages, such as Stogursey, the intention of Policy SC1 is *'... to achieve a manageable rate of change over time'*⁶. Importantly Policy SC1, in respect of the identified primary villages, allows for some new housing to be delivered just beyond the established built up areas for those villages. Policy SC1 therefore does not operate as an absolute bar upon housing in the countryside, with limited development being permissible when it can be demonstrated that it will contribute to wider sustainability benefits for the area and would arise within or in close proximity to the contiguous built up area of the settlements. In essence Policy SC1 supports organic growth at the villages, provided such growth would be proportionate.

18. Paragraphs 77 to 79 of the National Planning Policy Framework of February 2019 (the Framework) provide the national policy approach for the location of rural housing. Paragraph 78 states:

'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby'.

⁴ As clarified by the Council during the Hearing

⁵ The period for the WSLP being 2012 to 2032 as explained in section 1.2 of the local plan ⁶ Paragraph 68 of the Inspector's examination report for the WSLP

19. Although Policy SC1 predates the publication of the current version of the Framework, I consider that it is consistent with the Government's policy for rural housing. That is because Policy SC1 seeks to facilitate a scale and distribution of development commensurate with the size and nature of the settlements, in what is a very rural area.
20. The appeal site lies just beyond the settlement boundary for Stogursey and it is therefore in the countryside for the purposes of the development plan. That said under Policy SC1 Stogursey's dwelling stock could be increased by about 10% by 2032 (the 10% allowance), either in the identified settlement boundary or within 50 metres of this village's existing built up area. Stogursey's 10% allowance through to 2032 is 39 new homes. As the appeal site in part is within 50 metres of Stogursey's settlement boundary it could make a contribution to Stogursey's 10% allowance. Any contribution that the appeal site could make is, however, in part dependent on how many dwellings have already been constructed or benefit from any extant planning permissions granted since 2015.
21. At the Hearing the Council explained that since 2015 planning permissions had been granted for the construction of an additional 14 (net) dwellings within Stogursey. However, none of those dwellings have been commenced or completed. Of the 14 permitted dwellings, seven would form part of the Paddons Farm development, for which planning permission was originally granted in 2008 for 59 dwellings (the historic permission). The historic permission has in part been implemented with 39 dwellings having been built and occupied, leaving 20 homes that could still be built under the historic permission. A new planning permission for 27 dwellings at Paddons Farm has recently been granted. It is therefore only seven of the permitted dwellings at Paddons Farm that benefit from a planning permission post-dating 2015. It is those seven dwellings that the Council considers should, for the purposes of Policy SC1, be counted against the Stogursey's 10% allowance until 2032.
22. To meet the limited development provisions of Policy SC1 for Stogursey, 25 further dwellings or so could be granted planning permission for the period through to 2032. Albeit of those 25 dwellings only 30% should come forward in any five year period in order to meet with limited development definition.
23. I consider a scheme of up to 70 dwellings would not amount to 'limited development' for the purposes of Policy SC1, with such a scheme potentially yielding a net exceedance of 45 dwellings above Stogursey's 10% allowance. The provision of up to 70 extra dwellings would represent an 18% increase in Stogursey's 2015 housing stock. The proportional increase rising to 21.65%, when the 14 unbuilt permitted homes are allowed for. A development of up to 70 dwellings alone would approach twice the 10% allowance for Stogursey.
24. The Council undertook a housing needs survey for Stogursey in 2018. The results from that survey indicated that six householders identified a need for affordable homes to rent, while a further eight households identified a need for affordable shared ownership dwellings. The Council has also reviewed interests to live in Stogursey registered with the 'Somerset Homefinder' service and there are twelve householders who have expressed an interest in living in Stogursey. The Homefinder service does not distinguish between interests in renting or buying homes, nor does it provide an indication of whether those expressing an interest are already resident in the Stogursey or are looking to move to it.

25. I consider the fact that the Paddons Farm development has been 'stalled' for some time and none of the 14 dwellings benefitting from post 2015 planning permissions have been commenced, are indicative of there being limited existing demand for additional homes being built within or adjoining Stogursey. In that regard I consider it of note that while works on the construction of the HPC are now well underway, there is no obvious indication that the need to house a large construction labour force is generating an immediate demand for additional housing to be provided in Stogursey, which the appeal development might be capable of assisting in meeting. The demand for additional homes arising from HPC being a potential housing market challenge that the WSLP is alert to.
26. The housing need data that is available suggests that there is no pressing level of local need warranting the provision of up to 70 new dwellings in Stogursey, including up to 25 affordable homes. The provision of up to 25 affordable housing would comply with the 35% target identified in Policy SC4 of the WSLP and the Council expects that occupiers for those dwellings would be found.
27. There is no doubt that the development would contribute to meeting the general need for affordable homes in the Council's area. Nevertheless, the level of need that has been recorded for affordable homes in Stogursey suggests that many of the affordable dwellings yielded by the proposed development would not be in the optimum location for this form of housing. In that regard the Council is of the opinion that Minehead/Alcombe, Williton and Watchet are the settlements with the greatest demand for affordable homes, given their accessibility to everyday services and facilities.
28. When the WSLP was in preparation the appeal site had been identified as an 'early release' site. However, that identification did not amount to a housing allocation and the WSLP's examining Inspector remarked:
- 'Stogursey is defined as a primary village under policy SC1. The identified early release site has a capacity of some 60 dwellings. Whether this site would or would not be in accordance with the strategy and policy SC1 would depend on the rate and phasing of development and thus compliance with the 'limited development' criteria of policy SC1 and the terms of policy SV1'⁶.*
29. I find the examining Inspector's comments are unsurprising, avoiding potential fettering for decision making in respect of any subsequently submitted planning application. If there was an obvious need for a significant increase in the amount of housing in Stogursey of 60 or more homes, then as part of the plan making process an allocation for this village could reasonably have been expected to have been included in the WSLP. That is because the WSLP at its adoption only included allocations for around half of the overall housing requirement for the whole of the local plan's period⁷. For the purposes of the determination of this appeal I therefore consider the Council's previous identification of the site as an early release site for housing does not, of itself, provide any tangible support for the appeal proposal.

⁶ Paragraph 81 of the examining Inspector's report

⁷ Paragraph 78 of the examining Inspector's report

30. The occupiers of the development would generally have good access on foot and by bicycle to the limited services and facilities present in Stogursey. However, as I have indicated above, because of the very limited: range of everyday services and facilities available in Stogursey; and access to public transport, it is likely amongst the development's occupiers that there would be a high dependency on private motorised vehicle usage. Additionally, many adults travelling to and from their places of work would need to make use of private motorised vehicles, with employment opportunities not being readily accessible on foot or by bicycle, with the approach roads in and out of this village being devoid of footways and streetlighting. I am of the view that this site in accessibility terms would not be a good location for a significant increase of homes at Stogursey.

31. A travel plan would be secured via the UU and it would promote the use of modes of travel other than by private motor vehicles. I recognise that the availability of a travel plan would give rise to some compliance with Policy TR1 of the WSLP, through seeking to encourage the use of sustainable modes of transport. However, in practice I consider the opportunities for a modal shift to walking, cycling and the use of public transport would be very limited and that this development would contribute very little to the promotion of sustainable transportation. I therefore consider that because of the site's location on the edge of a village in a very rural area, in practice the sustainable travel measures outlined in the appellant's 'Interim Travel Plan' would do very little to encourage significant levels of walking, cycling and public transport usage amongst this development's occupiers.

32. The high dependence on private motorised vehicle usage amongst occupiers of the proposed development would be comparable with the position for the existing residents Stogursey. Nevertheless, I consider that is something weighing against the proposed development and reinforces why Stogursey has been identified for nothing other than limited development by the Council in the WSLP. I therefore consider that the development would not accord with Policy TR2 of the WSLP. That is because this development would not be located so as to maximise the attractiveness of modes of transport other than the private car and while it would complement existing service and facility provision in Stogursey to some degree, it would nevertheless generate '... new unsustainable transport patterns ...'.

33. Section 9 of the Framework promotes sustainable transport and opportunities to improve walking, cycling and public transport. It also points out that sustainable travel solutions will vary between urban and rural areas. Although the site is within a rural area, it is not within an isolated rural location. However, given the quantum of the additional homes proposed and the limited access to nearby employment opportunities and a full range of everyday services and facilities in Stogursey, I consider section 9 of the Framework offers no particular support for this proposal, with some harm to the environment likely to arise through the generation of vehicular emissions.

34. I consider the provision of up to 70 dwellings at Stogursey would amount to much more than limited development for the purposes of Policy SC1. In the absence of demand for this level of new housing in Stogursey having been demonstrated to be present, I consider that a development of this scale would be unwarranted and would be contrary to the spatial strategy identified in Policy SC1 of the WSLP. I also consider that there would be some conflict with Policy SV1 of the WSLP because while the development might assist in maintaining the existing level of service provision within a primary village, it would not help to create a balanced community at a level appropriate to Stogursey's role and

function. That is because the proposed development would accentuate the imbalance between the amount of housing and nonresidential uses within or very close to Stogursey. There would as I have indicated above be some conflict with Policy TR2 of the WSLP.

35. I therefore conclude that the appeal site would be an inappropriate location for the development.

Planning Balance and Overall Conclusions

36. The development would be contrary to the spatial strategy stated in Policy SC1 of the WSLP, with the proposal being much more than limited development within close proximity to a 'primary village'. There would also be some conflict with Policies SV1 and TR2 of the WSLP. While the proposed development would accord with various development plan policies, such as

those relating to the delivery of affordable homes and the mitigation of new development's effects on the character and appearance of an area, biodiversity and local infrastructure, overall I consider that this proposal would be contrary to the development plan when taken as a whole. It is therefore necessary for me to consider whether there are any material considerations indicating that my decision should be made otherwise than in accordance with the development plan.

Housing Land Supply

37. There is disagreement as to whether the Council can demonstrate the availability of a five year supply of deliverable housing sites (5yrHLS) within what was the former West Somerset Council's area⁸. When assessed against the housing requirement underpinning the WSLP the appellant contends that at best there is a 3.93 year housing land supply⁹, while the Council argues that there is a 5.21 year supply¹⁰. The agreed period for considering the 5yrHLS being April 2020 to March 2025, with an assessment base date of 31 March 2020¹².
38. The Council in providing its January 2021 5yrHLS update has undertaken a calculation using the Government's Standard Method (SM) for establishing a local housing need (LHN). However, paragraph 73 of the Framework advises that the LHN should only be used in instances when the adopted strategic development plan policies are more than five years old. The WSLP will have its fifth anniversary in November 2021 and at this time, in line with the guidance contained in the Framework, I consider the 5yrHLS position should be assessed against the WSLP's housing requirement, as opposed to a LHN figure derived from using the SM.
39. The principal difference between the parties with respect to the 5yrHLS position concerns whether six sites with either resolutions to grant planning permission (as opposed to extant permissions) or expected to become the subject of applications should or should not be included in the 5yrHLS. The disagreement concerns several hundred dwellings and concerns the definition for 'deliverable' housing sites stated in Annex 2 of the Framework.
40. Having regard to the definition for deliverable used in the Framework, I consider that the dwellings expected to be yielded by the previously mentioned six sites, in the

⁸ It being agreed that for this appeal 5yrHLS considerations should relate to the area administered by the former West Somerset Council

⁹ Section 4 and Table 3.1 in the appellant's updated HLS statement of 29 January 2021

¹⁰ The Council's 'Note on 2020 Housing Delivery Test Figure, Housing Need Figures and Housing Supply of January 2021 (the Council's HLS note 2021)' ¹² Paragraph 1.2 of the HLS SoCG

absence of extant planning permissions, should not have been treated as contributing to the 5yrHLs as at the end of March 2020. I therefore consider that for the purposes of the determination of this appeal the appellant's assessment of there being a housing land supply of around 3.93 years, at best, should be preferred. That said the actual dwelling shortfall for the five year period is quite small, given the WSLP's housing requirement per year is 155 dwellings (unadjusted).

41. In the absence of a 5yrHLs, the most important development plan policies for determining the application, most particularly Policy SC1, are out of date and paragraph 11 of the Framework indicates that the presumption in favour of sustainable development is engaged. Planning permission should therefore be granted unless '*... any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*' (paragraph 11d)ii of the Framework).

Benefits

42. In relation to the delivery of housing from this site, for the appellant it was explained at the Hearing that when time allowances for the purchase of the site by a developer and obtaining reserved matters approval are made, around 45 dwellings could be completed in the five year period. The provision of 45 dwellings or so in the five year period would make a useful contribution to the supply of housing in the Council's area and that is a matter that I consider attracts substantial weight. The provision of 25 or so affordable homes would be beneficial, however, as I have indicated about those homes would not necessarily be optimally located and I therefore attach moderate weight to the delivery of those homes in this instance.
43. The development would generate some employment during its construction phase. However, that construction phase would be likely to coincide with the building of HPC and the employment benefits associated with the appeal development are likely to be greatly outweighed by HPC's construction. I therefore attach moderate weight to the economic benefits associated with the appeal development's construction phase. There would be some economic benefits arising from the employment and spending of the occupiers of the development. However, those economic benefits would be likely to arise whether this site or others in the Council's area were developed for housing and I therefore consider this benefit attracts moderate weight.
44. I consider the development could be designed so as to avoid visual harm. While that would be beneficial, it is something that should apply to any new development within the Council's area and I therefore consider it is a matter attracting modest weight.
45. The development would make provision for on-site open space and biodiversity improvements. However, those benefits are intended to neutralise potentially adverse effects and might well be needed wherever a development of this scale was located. I therefore attach very modest weight to these benefits of the development.

Overall conclusion

46. I am mindful of the Government's objective of significantly boosting the supply of homes (paragraph 59 of the Framework). However, as I have indicated above, I am not persuaded that expanding Stogursey's housing stock by such a significant proportion would be appropriate, with there being no clear evidence that building up to 70 homes on this site would result in homes being delivered where they would be needed. Locating housing where it would be needed being something that paragraph

POST HEARING DOCUMENTS

- 1) Letter of 16 October 2019 from the appellant to the Council conforming the development would be for up to 70 dwellings
- 2) Email exchanges between the local education authority (Somerset County Council) and the Council concerning school capacity and education contributions
- 3) Background information concerning the Exmoor and Quantock Oakwoods Special Area of Conservation
- 4) Executed Unilateral Undertaking of 10 February 2021

Site: 11, 12, 14 & 15 Doniford Meadow, Doniford, Watchet, TA23 0TL

Proposal: APP/H3320/W/19/3236050

Application number: 3/39/18/017

Reason for refusal: Appeal – Dismissed,

Original Decision: Delegated Decision – Refused



Appeal Decision

Site visit made on 26 January 2020 by **L J O'Brien BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th May 2020

Appeal Ref: APP/H3320/W/19/3236050 Nos 11, 12, 14 & 15 Doniford Meadow, Doniford, Watchet TA23 0TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Dr David Jenkins against the decision of West Somerset Council.
 - The application Ref 3/39/18/017, dated 5 June 2018, was refused by notice dated 18 March 2019.
 - The application sought planning permission for erection of two pairs of holiday chalets without complying with a condition attached to planning permission Ref 66604/1, dated 14 October 1964.
 - The condition in dispute is No 1 which states that: The buildings hereby permitted shall be used as holiday accommodation only to provide accommodation for persons for the time being bona fide on holiday in the area and they shall not be occupied for permanent residential purposes.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time the application and decision were made, the Local Planning Authority was West Somerset Council. However, West Somerset Council has since merged with the former Taunton Deane Borough Council to form Somerset West and Taunton Council.

Nevertheless, the relevant adopted Development Plan in this case still includes the West Somerset Local Plan to 2032, November 2016 and saved policies contained within the West Somerset District Local Plan, April 2006.

Background and Main Issue

3. The appeal site, Nos 11, 12, 14 and 15 Doniford Meadow, comprises four bungalows. Though the bungalows may currently be unoccupied, their current lawful use is as holiday lets. A temporary permission was granted in December 2000 which allowed a change to residential use including holiday use for a limited period. An application, and subsequent appeal, to remove the condition which imposed the temporary restriction were made and dismissed in 2003 due to the effect on the character and appearance of the area and the inappropriate location of the properties.
4. The current proposal is for the removal of a restrictive occupancy condition attached to the original 1964 planning permission which would allow the properties to be occupied as permanent residential dwellings. The Decision Notice does not give details explaining the reason for the imposition of the original 1964 condition. However, the Council refused the application and consider the condition remains necessary, citing that the site is not considered to be an appropriate location for four permanent dwellings due to its position in the open countryside and within flood zone 3.
5. Following submission of a Flood Risk Assessment (FRA) by the appellant dated August 2019 the Environment Agency withdrew their previous objection in respect of flood risk by a submission dated 6 January 2020. The Local Planning Authority have also confirmed in writing that they no longer wish to sustain their second reason for refusal which was predicated on the absence of a detailed FRA. I agree with this approach.
6. Consequently, the main issue is whether the condition restricting the use of the buildings to holiday accommodation is necessary and reasonable having regard to whether or not the development occupies an acceptable location for permanent residential dwellings with particular regard to the availability of nearby services and any implications for the surrounding countryside .

Reasons

7. The appeal site is situated within a rural location in Doniford, a small scattered settlement with no defined development boundary. There is some sporadic development in the vicinity of the appeal site; some limited residential properties, holiday accommodation (including caravans) and a farm shop. There is also a small shop which forms part of the Haven Holiday site nearby.
8. Policy SC1 of the West Somerset Local Plan to 2032, November 2016 (LP) sets out the settlement hierarchy for the area and identifies existing settlements as well as setting guidelines for development which is acceptable within 50m of a settlement. Policy OC1 of the LP: Open Countryside Development, sets out that the open countryside includes all land outside of existing settlements where development is not generally appropriate.
9. The appeal site is outside of an existing settlement and is beyond the 50m limit, it is therefore, in policy terms, within the open countryside. LP Policy OC1 sets out exceptions where development will be permitted. The proposal does not fall within any of the exceptions which would make the principle of permanent residential dwellings in this location acceptable.

10. The appeal site is some distance from any facilities or local services. The nearby Doniford Farm farm shop has a restaurant area and a limited variety of products for sale. The second shop is sited within a Haven Holidays site and is therefore less likely to be utilised by those living within the area. Those living within the area, therefore, are highly likely to rely upon facilities and services within other larger settlements.
11. Transport links within the vicinity of the appeal site are also poor. Furthermore, the roads in the area do not have regular, accessible or continuous pavements and these characteristics are likely to discourage pedestrians and cyclists thus further increasing the reliance on private motor vehicles.
12. I note that there is a bus stop a short walk away from the site; however, sections of the route do not have any pavements and, in my view, the bus service cannot, therefore be considered as a viable means of transport which would be readily accessible to potential future residents. Residents in the area would, consequently, be heavily reliant on the private car to travel.
13. For the reasons set out above, I consider that the site is physically separated and remote from nearby settlements and as such it can properly be described as isolated and would not, therefore, represent an appropriate location for permanent residential dwellings.
14. I recognise that those staying on the site as holiday makers still have to travel to visit attractions and purchase supplies amongst other things. However, this kind of travel is a fundamental part of rural tourism which is an essential contributor to the rural economy and the balance of factors to be considered under these circumstances is different to those present in this case. The requirements and travel patterns of permanent residents are also different to those of tourists. Permanent residents, for example, would have a general reliance on local services such as schools and health care services which are some distance away from the site and not readily accessible via walking, cycling or public transport.
15. I acknowledge that there are a number of other residential properties nearby. However, I have been provided with few specific details of the circumstances in which these were allowed. Many may have been approved under a different planning context. The properties at 1- 10 Doniford Meadows were, for example, allowed to change to residential use under a Certificate of Lawful Use granted over ten years ago. In any event, each case must be treated on its own merits and the existence of other examples is not sufficient reason to justify a development which I consider in itself to be inappropriate.
16. I therefore conclude that the condition restricting the use of the buildings to holiday accommodation is necessary and reasonable as the buildings do not occupy an acceptable location for permanent residential dwellings with particular regard to the availability of nearby services and with regard to the implications for the surrounding countryside. Accordingly, the proposal would conflict with the aims of Policies SC1 and OC1 of the LP which set out the settlement hierarchy and the criteria which must be met in order for development within the open countryside to be permitted.
17. The proposal would also be at odds with saved Policy H/6 of the West Somerset District Local Plan, April 2006 which sets out that the Council will permit the change of use of existing buildings to permanent residential accommodation provided that, amongst other things, the site has satisfactory accessibility.

18. The development would also fall short of the expectations of The National Planning Policy Framework which seeks to prevent the development of isolated homes in the countryside unless they meet certain specific exceptions which are not met in this appeal.

Other Matters

19. Whilst the buildings have already been built, the removal of the condition to allow permanent residential occupation of the properties would be a change of use which would alter their current use to such an extent so as to warrant careful consideration of any implications.
20. I acknowledge the appellant's suggestion, supported by a letter from an accountant, that the holiday lets are no longer financially viable. However, the area has a number of other seemingly successful holiday complexes in close proximity to the appeal site and, in my view, as the properties are in a scenic coastal location, I consider they are in a location which would be likely to attract significant numbers of tourists.
21. I note the appellant's observation that other holiday accommodation in the area benefits from facilities such as swimming pools and on-site activities which are not present at the appeal site. I also recognise that the area has changed since the bungalows were built and some of the facilities associated with a holiday park are no longer present on site. However, I have not been provided with detailed evidence which substantiates this as a reason for the apparent shortfall in rental income.
22. Furthermore, as mentioned in the appellant's submission, the bungalows are in need of upgrading and, in my view, this could be a further factor constraining their letting. Whilst I recognise the appellant's concerns regarding the financial burden of undertaking the required works, as a business it is reasonable to expect a level of financial commitment to maintain the long-term viability of the holiday lets.
23. The appellant has advised that the holiday lets are advertised via their website, a visit Somerset website and the Lady, but argues that despite this their customers are returning holiday makers who are ageing and thus their customer base is decreasing. In my view, the details within the appellant's submissions do not amount to sufficient substantive information to evidence that the holiday bungalows have been robustly marketed such that I may be able to reasonably conclude that such use is not viable.
24. Moreover, based on the evidence before me, I am not persuaded that there is no longer a demand for this kind of accommodation in the area and I have not been provided with a degree of detail to enable me to conclude that the business as a whole is no longer viable. Consequently, I afford the financial viability of the holiday lets limited weight in the planning balance.
25. I recognise that effective re-use of existing buildings is actively encouraged. I also note the benefits of the scheme in respect of striving to meet the Government's aim to significantly boost the supply of housing. I particularly acknowledge the potential future need for housing in the area, for instance for workers at Hinkley Point. However, as outlined above, I do not consider that the site is an appropriate location for permanent residential dwellings and as such these factors do not outweigh the harm I have identified.

26. I have noted the issues raised regarding the effect on highway safety. However, as this proposal is going to be dismissed for other reasons and the other concerns expressed do not have a direct bearing on the main issue, it is not necessary for these to be explored further as part of this appeal.
27. I have given careful regard to all of the above considerations. However, none are sufficient to dissuade me from the conclusions I have reached that the condition restricting the use of the buildings to holiday accommodation is necessary and reasonable as the buildings do not occupy an acceptable location for permanent residential dwellings. The other considerations presented by the appellant do not outweigh the conflict with the development plan I have found in this instance.

Conclusion

28. For the reasons given above I dismiss the appeal.

L J O'Brien

INSPECTOR

Site: Chilcombe House, 30 Trendle Lane, Bicknoller, TA4 4EG

Proposal: Application for Outline Planning Permission with all matters reserved except for access for the erection of 1 No. dwelling and detached garage in the garden to the side with associated access

Application number: 3/01/20/016

Reason for refusal: Appeal – Allowed

Original Decision: Delegated Decision – Refused



The Planning Inspectorate

Appeal Decision

Site visit made on 9 March 2021 by **John Wilde CEng MICE**

an Inspector appointed by the Secretary of State

Decision date: 13 April 2021

Appeal Ref: APP/W3330/W/20/3263909 Chilcombe House, 30 Trendle Lane, Bicknoller TA4 4EG

- 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 J Bridgland against the decision of Somerset West and Taunton Council.
 - The application Ref 3/01/20/016, dated 21 August 2020, was refused by notice dated 21 October 2020.
 - The development proposed is the erection of one dwelling and garage with access off Trendle Lane.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of one dwelling and garage with access off Trendle Lane at Chilcombe House, 30 Trendle Lane, Bicknoller TA4 4EG in accordance with the terms of the application, Ref 3/01/20/016, dated 21 August 2020, subject to the conditions contained within the attached schedule.

Procedural matter

2. The application was made in outline with access for determination at this stage and all other matters reserved for later determination.

Main Issues

3. The main issues are:-

- a) The effect of the proposed development on the character and appearance of the area, and
- b) Whether or not the proposed development would be in an accessible location.

Reasons

Character and appearance

4. The appeal site is an area of garden belonging to Chilcombe House lying to the east of that property. The site is bordered on the north and south by Trendle Lane and Chilcombe Lane respectively and lies within the Quantock Hills Area of Outstanding Natural Beauty (AONB). Paragraph 172 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to conserving and enhancing landscape and scenic beauty in such areas. Chilcombe House lies towards the eastern end of Trendle Lane, at nearly the furthest point from the centre of the village, with only two properties further to the east. There is however an almost continuous line of development from Chilcombe House into the centre on the village on the south-western side of Trendle Lane.
5. The proposed dwelling would be seen as an infill dwelling and, given the size of the plot, would retain a reasonable distance to Chilcombe House and to its eastern neighbour, commensurate with the spacing between other properties along Trendle Lane. In terms of its positioning it would not therefore jar with the existing grain of the area.
6. Whilst the proposed development would be visible from Trendle Lane it could be set back into the site, as shown on the illustrative proposed site plan. There are a number of trees between Chilcombe House and the appeal site and further landscaping could be conditioned such that the proposed house and garage would look unobtrusive and very similar to other development in the vicinity.
7. A length of hedgebank bordering Trendle Lane would have to be removed to make way for the proposed access. However, the position of the access would be on the outside of a bend such that visibility splays would be available with only a relatively short length removed. Furthermore, the resulting access would be similar to a number of other accesses already in existence on this side of the lane.
8. Overall, although an area of garden would be replaced with built form, and a short length of hedgebank lost, I consider that the result of this would not be so obtrusive or so out of keeping as to cause noticeable harm to the AONB in the wider sense. The integrity of the AONB would therefore, as a whole, be conserved.
9. There would therefore be no conflict with policies SV1, SC1 or NH14 of the West Somerset Local Plan to 2032. The former of these requires that development at primary villages should be designed to form an integral and harmonious addition to the settlement's existing character. Policy SC1 requires, amongst other things, that development respects the character of the existing settlement whilst policy NH14 makes clear that applications for development should, amongst other things, conserve or enhance the natural beauty of the AONB.
10. My attention has also been drawn to the Bicknoller Village Design Statement (DS). Whilst not part of the development plan the DS recommends that developments which involve the removal of field hedges should be resisted. However, the hedgebank in question forms the boundary of a domestic curtilage, and is not therefore strictly a field hedge. The weight that I can give to this recommendation is therefore very limited.

11. In arriving at this conclusion I am aware of the previous appeal decision relating to the site. In that proposal however the access would have been off Chilcombe Lane, where there are far fewer existing accesses and consequently the proposed one would have been far more conspicuous. I cannot therefore take the previous appeal as a compelling precedent for refusing the current one.

Location

12. Policy SC1 of the West Somerset Local Plan (LP) makes clear that Bicknoller is defined as a primary village where development within or in close proximity to the contiguous built-up area will be considered against a number of criteria. The first of these requires that the proposed development is well related to existing essential services and social facilities within the settlement, and the second requires that there is safe and easy pedestrian access to these facilities.
13. The local shop and village hall are about a 10 minute walk along Trendle Lane, while the journey to the pub takes another few minutes. I acknowledge that Trendle Lane is narrow. However, it is so narrow that the speeds of vehicles are restricted and vehicle movements are also generally low. Furthermore, there are several entrances where pedestrians can move out of the way of vehicles and these entrances become more numerous as the centre of the village is approached. I accept that in inclement weather residents may be tempted to use a car to access the village facilities. This would however be relatively rarely and would produce a minimum number of trips.
14. My attention has been drawn to another planning application in the village which went to appeal and where the Inspector found against the proposed development on the grounds of its location relative to services. That development was however for a greater number of dwellings along a different lane, and that lane has a more rural aspect than Trendle Lane with fewer existing accesses, as well as being a more direct route into the village for vehicles. I cannot therefore take this other decision as a compelling precedent.
15. Criterion d of policy SC1 requires that development does not generate significant additional traffic movements over minor roads to and from the more major road network. Highways Development Control consider that the proposed development will not create a highway safety or efficiency issue and I have been given no significant evidence that would lead me to an alternative conclusion.
16. On this issue therefore I find that there would be no conflict with policy SC1. Nor would there be conflict with policy TR2 of the LP which requires, amongst other things, that development does not generate significant additional traffic movements over minor roads.

Conditions

17. The attached schedule of conditions is based on those suggested by the Council and agreed by the appellant. In the interest of the final character and appearance of the area I have imposed conditions relating to the submission of a soft and hard landscaping scheme, details of boundary treatment, submission of samples of finishing materials and tree protection measures.
18. To ensure the adequate provision of drainage infrastructure I have imposed a condition requiring details of a drainage scheme to be submitted and approved by the local planning authority.

19. In the interests of highway safety I have imposed conditions requiring details of the construction, drainage and visibility splays of the proposed access to be submitted, a condition limiting the gradient of the access and a condition controlling the erection of gates. I note that the Highway Authority recommended a visibility splay of 25m whereas the Local Planning Authority have suggested 43m. Taking into account the likely low speeds of traffic, the recommendations in Manual for Streets and the fact that one of the Council's main concerns was the loss of a hedgebank I have reverted to the distance of 25m in my condition.
20. To facilitate sustainability I have imposed a condition requiring secure cycle parking to be installed and for certainty I have imposed a condition listing the submitted plans.

Conclusion

21. In light of my above reasoning and having regard to all other matters raised, including strong local objections and a petition, I conclude that the appeal should be allowed.

John Wilde

INSPECTOR

Schedule of conditions

- 1) Details of the 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 3 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: 2188A-DR-A-050 - 000 location plan, 2188A-DR-A-050-001 proposed site plan, 2188A-DR-A-050-002 existing and proposed roadside elevations.
- 5) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 6) A hard and soft 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 and a hedge bank to the rear of the visibility splays hereby approved.
 - (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 and the hedgebank shall be retained once planted and any plants that die shall be replaced in the same species in the next planting season..
- 7) Details of the proposed boundary treatments on the application site shall be submitted to and approved in writing by the local planning authority. Such details shall include the location of all boundary treatments shown in a scaled plan and details of the height, type, materials, finish and colour of the proposed boundary treatments. The approved details shall be carried out in accordance with the approved details, prior to the occupation of the dwelling hereby approved.
- 8) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning

- Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.
- 9) Prior to occupation of the building, 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 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.
 - 10) No works shall be undertaken on drainage at the access until details for the provision of drainage at the access to the site has been first submitted to and approved in writing by the local planning authority. The drainage shall be provided in accordance with the approved details prior to the occupation of the dwelling hereby approved. The drainage shall thereafter be retained in the approved form.
 - 11) The access and visibility splays shall be provided prior to the construction of the dwelling hereby approved and shall be provided in accordance with the approved plans. The access shall thereafter be retained in the approved form.
 - 12) 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.
 - 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only.
 - 14) 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 25 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times
 - 15) Details of secure cycle parking/storage (1 per bedroom) shall be submitted to and agreed in writing by the Local Planning Authority prior to occupation of the hereby approved dwelling and the approved cycle parking/storage shall be provided prior to the occupation of the dwelling and shall thereafter be retained. Reason: In the interests of highway safety.
 - 16) Before the dwelling hereby permitted is first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

APPEALS RECEIVED – 29 APRIL 2021

Site: THE GREENHOUSE, NEWTONS, NAILSBOURNE, TAUNTON
SOMERSET TA2 8AQ

Proposal: Prior approval for proposed change of use from agricultural building to dwelling house (Class C3) and associated building operations at The Greenhouse, Newtons, Nailsbourne

Application number: 20/20/0026/CQ

Appeal reference: APP/W3330/W/21/5268761

Decision: Delegated Decision – Prior Approval Refused

Enforcement Appeal:

Site: LAND AT GREENWAY WOOD, SOUTH DRIVE, BISHOPS
LYDEARD, TA4 3BZ

Proposal: Change of use of land for siting of 4 No. timber glamping pods and erection of welcome office with associated access and parking on land at Greenway Wood, South Drive, Bishops Lydeard

Application number: 06/20/0009

Appeal reference: APP/W3330/W/21/3268194

Decision: Chair Decision - Refused

Enforcement Appeal:

Site: 86 BELMONT ROAD, TAUNTON, TA1 5NT

Proposal: Erection of a two storey extension to the side and rear of 86 Belmont Road, Taunton

Application number: 38/20/0332

Appeal reference: APP/W3330/D/21/3266610

Decision: Delegated Decision - Refused

Site: GABRIELI, GREENWAY LANE, LOWER HENLADE, TAUNTON, TA3 5NA

Proposal: Application for a Lawful Development Certificate for the proposed erection of a garden building to form a studio/garage/gym/hobbies room at Gabrieli, Greenway Lane, Lower Henlade

Application number: 31/20/0024/LP

Appeal reference: APP/W3330/X\21/3270205

Decision:

Site: GABRIELI, GREENWAY LANE, LOWER HENLADE, TAUNTON, TA3 5NA

Proposal: Application for a Lawful Development Certificate for the proposed erection of a garden building to form a studio/garage/gym/hobbies room at Gabrieli, Greenway Lane, Lower Henlade

Application number: 31/20/0023/LP

Appeal reference: APP/W3330/X/21/327024

Decision:

Site: GABRIELI, GREENWAY LANE, LOWER HENLADE, TAUNTON, TA3 5NA

Proposal: Conversion of garage/studio, with erection of extension, into 1 No. 1 bedroomed annexe and erection of replacement garage/studio/gym and hobbies room at Gabrieli, Greenway Lane, Lower Henlade

Application number: 31/20/0011

Appeal reference: APP/W3330/W/21/3270176

Decision:
