

## SWT Planning Committee

Thursday, 11th June, 2020,  
1.00 pm



Somerset West  
and Taunton

### Webcasting - Virtual Meeting

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

### Agenda

**1. Apologies**

To receive any apologies for absence.

**2. Minutes of the previous meetings of the Planning Committee on the 14 and 28 May**

To approve the minutes of the previous meeting of the Committee.

**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**

(Pages 5 - 16)

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. 36/20/0003**

(Pages 17 - 20)

Erection of first floor extension, ground floor extension and garage at Little Pincombe Barn, Woodhill Barn, Stoke St Gregory.

**6. 44/20/0012**

(Pages 21 - 28)

Partial rebuild and alterations to agricultural barn to be used for agricultural storage at Charleston Barn, Little Silver Lane, Wellington (retention of part works already undertaken)

**7. Latest appeals and decisions received**

(Pages 29 - 32)



**JAMES HASSETT  
CHIEF EXECUTIVE**

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Members of the public are welcome to attend the meeting and listen to the discussions. There is time set aside at the beginning of most meetings to allow the public to ask questions. Speaking under "Public Question Time" is limited to 3 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chair will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate. Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chair will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group. These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room. Full Council, Executive, and Committee agendas, reports and minutes are available on our website: [www.somersetwestandtaunton.gov.uk](http://www.somersetwestandtaunton.gov.uk)

The meeting room, including the Council Chamber at The Deane House are on the first floor and are fully accessible. Lift access to The John Meikle Room, is available from the main ground floor entrance at The Deane House. The Council Chamber at West Somerset House is on the ground floor and is fully accessible via a public entrance door. Toilet facilities, with wheelchair access, are available across both locations. An induction loop operates at both The Deane House and West Somerset House to enhance sound for anyone wearing a hearing aid or using a transmitter. For further information about the meeting, please contact the Governance and Democracy Team via email: [governance@somersetwestandtaunton.gov.uk](mailto:governance@somersetwestandtaunton.gov.uk)

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**SWT Planning Committee - 14 May 2020**

Present: Councillor Simon Coles (Chair)

Councillors Roger Habgood, Ian Aldridge, Sue Buller, Marcia Hill, Martin Hill, Mark Lithgow, Craig Palmer, Andrew Sully, Ray Tully, Brenda Weston, Loretta Whetlor, Gwil Wren, Mark Blaker and Dave Mansell

Officers: Roy Pinney, (Shape Legal), Tracey Meadows (Democracy and Governance), Rebecca Miller (Principal Planning Specialist) and Denise Grandfield (Planning Specialist)

Also Present: Councillors Blaker and Mansell

(The meeting commenced at 1.00 pm)

146. **Apologies**

Apologies were received from Councillors Simon Nicholls and Chris Morgan

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

(Minutes of the meeting of the Planning Committee held on 12 March 2020, circulated with the agenda)

**Resolved** that the minutes of the Planning Committee held on 12 March 2020 be confirmed as a correct record.

The **Motion** was carried.

148. **Declarations of Interest or Lobbying**

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

Name	Application No.	Description of Interest	Reason	Action Taken
Planning Committee Members	3/21/20/013	All Committee declared that they knew the Cllr and his application	Personal	Spoke and Voted
Cllr S Buller	24/18/0039 & 49/19/0059.	Ward Member discretion 'not fettered'	Personal	Spoke and Voted
Cllr S Coles	24/18/0039,49/19/0059	Correspondence received.	Personal	Spoke and Voted

		Declared that no response given		
Cllr R Habgood	24/18/0039,49/19/0059	Correspondence received. Declared that no response given	Personal	Spoke and Voted
Cllr M Lithgow	49/19/0059	Correspondence received. Declared that no response given	Personal	Spoke and Voted
Cllr C Palmer	3/21/20/013	District Cllr for Minehead and member of the Minehead Planning Cttee where the application was debated and voted on	Personal	Spoke and Voted
Cllr G Wren	49/19/0059	Clerk to Milverton PC	Personal	Spoke and Voted

149. **Public Participation**

Application No.	Name	Position	Stance
24/18/0039	Mr Ough Mr and Mrs Heuff Claire Alers-Hankey	Applicants Agents GTH	Objecting Infavour Infavour
49/19/0059	Mr H McCarthy	Local resident	Objection
	Mr J Burgess	Local resident	Objection
	Mr T Varney	Local resident	Objection
	Mr J Mellor	Local resident	Objection
	Mr and Mrs Quick	Local resident	Objection
	Mrs and Mrs Mitchell	Local resident	Objection
	Mr T Rodwell	Agent	Infavour
	Mr B Collingridge	Wiveliscombe TC	Objection

	Mr P Burnham	WTC	Objection
	Mr F Higginson	WTC	Objection
	Cllr M Blaker	Ward Member	Objection
	Cllr D Mansell	Ward Member	Objection
3/21/20/013	No public participation on this application		

150. **24/18/0039**

**Change of use of land from agricultural to equestrian with formation of a riding manege and erection of a stable block, improvements to access with formation of associate parking and hardstanding on land at 2 Borough Post, North Curry as amended by plans received on 12 November 2018**

**Comments by members of the public included;**

- Concerns with the stable block being situated so close to the neighbouring property;
- Concerns with the overall size of the building;
- Concerns that the garden of the neighbouring property could become a route through for criminal persons interested in stable wares;
- Vehicle movements to and from the stables and the dwelling would be minimal;
- The newly created off-street parking spaces would increase the overall road safety of the area;
- The access to the footpath would be enhanced with easy access into the field;
- Together with the improved footpath access this would make a tangible positive contribution to the area;
- The proposed development set below a backdrop of existing built form of two-storey houses and outbuildings will not be prominent within its setting;
- The proposed development site would have the least impact upon both the landscape and residential amenity;
- The scheme represents palpable benefits to highway safety by providing improvements to the visibility of the existing access and provide off road parking and turning areas;

**Comments by members included;**

- Concerns with the impact on the neighbouring property;
- Poor access to the field;
- Impact on the countryside;
- Landscape concerns;

- Concerns that this was a piece meal development;
- Concerns with foul water run off;
- Concerns with the public right of way;

Councillor Habgood proposed and Councillor Coles seconded a motion for the Conditional application to be **APPROVED** with amended Conditions

Condition 02 to read;

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

- (A2) DrNo 2586-DR-A-050-001 Rev A Proposed Site Plan & Location Plan;
- (A1) DrNo 6212-01 Rev B Timber Stable Block;

7. There shall be no cut or fill without the prior written consent of the Local Planning Authority.

Reason: To ensure the enhancement of the development through the protection of existing trees and the visual amenities of the area.

- 8 .i) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees 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.
  - ii) 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.
  - iii) 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.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

The **motion** was carried

151. **49/19/0059**

**Formation of helipad on land located south of New Road, (B3227), Wiveliscombe (retention of works already undertaken)**

**Comments by members of the public included;**

- Concerns with the noise disturbance to the town of Wiveliscombe;
- Concerns with overlooking and loss of privacy;



- Limits need to be set for take-off and landing times;
- The location of the Helipad is in open Countryside;
- Helicopter transport is not sustainable;
- Concerns that the Helicopter is causing alarm to Bats, Birds and livestock;
- Concerns with the Helicopter flying over the local Secondary School;
- Concerns with the environmental impact/air pollution;
- Concerns with the number of landings to the site;
- The helipad would not exceed the permitted development of use of 28 days per year;
- The helipad is significantly smaller than the hardstanding that was originally used in this location;
- No objections have been received from Consultees;
- The use of the shoot facility provides an important local economic benefit;
- The helipad improves the attractiveness of the shoot;
- The Air Ambulance has use of the helipad in emergency situations, ensuring that they have a safe and secure landing spot.

**Comments by members included;**

- Concerns with the frequent flights of the helicopters to the site;
- Over development of the site;
- Concerns with the Helicopter sat idling;
- Climate change issues and sound pollution;
- Concerns with the impact on the village;
- Concerns that the flight register would not be updated;

At this point in the meeting a 30 minute extension was requested and agreed.

Councillor Habgood proposed and Councillor Sully seconded Conditional approval of the application with amended Conditions to read;

Condition 1: The helipad hereby permitted shall be used only in connection with the following shoot and shall not be used for this purpose except during the period, October 1<sup>st</sup> – February 1<sup>st</sup> in any one shooting year and the use of the Heli pad shall not exceed a maximum of 28 days within this period with take offs and landings occurring only between the hours of 08:00 and 16:00. Exceptional emergency use by the Air Ambulance is permitted at any time;

Condition 2: the site operator shall maintain an up to date register of the dates and times for take offs and landings and make available to the Local Authority;

The **Motion** was carried

152. **3/21/20/013**

**Demolition of flat roof extension and erection of a painted metal veranda with associated railings at Avondale, Martlett Road, Minehead, TA24 5QD**

No comments from members were made on this application.

Councillor Habgood proposed and Councillor Lithgow seconded a motion for the application to be approved as per Officer Recommendation.

The **Motion** was carried

153. **Appeals Lodged and Decisions received**

**Latest appeals and decisions received**

Reported that three appeals and six decisions had been received and noted.

(The Meeting ended at 4.46 pm)

## SWT Planning Committee - 28 May 2020

Present:

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

Officers: Martin Evans (Shape Legal Partnership), Rebecca Miller (Principal Planning Specialist), Denise Grandfield (Planning Specialist), Denise Todd (Planning Specialist) and Tracey Meadows (Democracy and Governance)

(The meeting commenced at 1.00 pm)

### 1. **Appointment of Chair**

**Resolved** that Councillor Simon Coles be appointed Chair of the Planning Committee for the remainder of the Municipal Year.

### 2. **Appointment of Vice-Chair**

**Resolved** that Councillor Marcia Hill be appointed Vice-Chair of the Planning Committee for the remainder of the Municipal Year.

### 3. **Apologies/substitutions**

Apologies were received from Councillor Simon Nicholls. Councillor Edd Firmin substituted for Councillor Nicholls

Councillor Ian Aldridge joined the meeting at 13:23

### 4. **Declarations of Interest or Lobbying**

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

Name	Application No.	Description of Interest	Reason	Action Taken
All Councillors	3/18/19/008, 3/21/19/107	Lobbied	Photos of the sites sent by the planning clerk to cttee	Spoke and voted

			members	
Cllr S Buller	38/20/0062	Photos of site sent to all cttee members	Personal	Spoke and Voted
Cllr S Coles	38/20/0062	Lobbied by Local residents. Discretion 'not fettered'	Personal	Spoke and Voted
Cllr R Habgood	3/21/19/107	Correspondence received	Personal	Spoke and voted
Cllr M Lithgow	3/18/19/008, 3/21/19/107, 38/20/0062	Received correspondence. 'discretion not fettered'	Personal	Spoke and Voted
Cllr C Palmer	3/21/19/107	Correspondence received from local residents. Debated at Minehead Town Council. Will take part in the debate but will abstain from the vote	Personal	Spoke and Voted
Cllr A Sully	38/20/0062	Declared that he owned a property in the vicinity		
Cllr B Weston	38/20/0062, 3/18/19/008	Taken photos of the site. Also received photos and correspondence	Personal	Spoke and Voted

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

(Minutes of the meeting of the Planning Committee held on 14 May 2020 to follow)

6. **Public Participation**

Application No.	Name	Position	Stance
3/21/19/107	Mr N Padfield	Local Resident	Objecting
	Mr J Sykes-Brown	Applicant	In favour
38/20/0062	Cllr C Ellis	Ward	Objecting

		Member	
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7. **3/18/19/008**

**Outline planning application with all matters reserved for the erection of 1 No. detached dwelling with alterations to parking area and removal of garage at Midways, Main Road, Kilve, TA5 1EA**

**Comments by members included;**

- Access issues;
- No Highway reasons to refuse this application;
- Sea Lane is heavily used by agriculture vehicles;
- Concerns with construction traffic along the lane;
- Concerns with the ecology of the site;

Councillor Sully proposed and Councillor Lithgow seconded a motion for Outline planning permission with all matters reserved to be APPROVED

The **Motion** was carried

8. **3/21/19/107**

**Erection of a conservatory on the north-west elevation at The Dene House Nursing Home, Bircham Road, Alcombe, Minehead**

**Comments from members of the public included:**

- Over development of an already overdeveloped site;
- Concerns with the over build of the main sewer which is in breach of the Wessex Water build-over rules;
- Concerns that the slope has been replaced by steps;
- Concerns with light pollution from the site to neighbouring properties;
- The proposed conservatory would be an invaluable addition to the main building allowing residents to relax in an alternative area instead of the main building;

**Comments from members included:**

- The conservatory would bring great joy to the residents;
- Concerns with the sewer build-over;
- Concerns that the footprint of the new built is larger than the previous bungalow;
- Concerns with the unease of how this development has proceeded;

Councillor Buller proposed and Councillor Sully seconded a motion for the application to be APPROVED with an informative for the applicant to consult with Wessex Water for the sewer build-over.

The **Motion** was carried

9. **38/20/0062**

**Erection of detached double garage at 10 Birch Grove, Taunton as amended by Drg No. Changing roof design from dual pitched to hipped pyramid**

**Comments by the Ward member included;**

- Concerns with the development in the Conservation area;
- The development is out of keeping for the area;
- Over development of the site;
- Contrary to Policy CP8;
- Concerns that Hatfield would be obscured by this development;

**Comments from members included;**

- Not sympathetic to Hatfield and the Conservation area;
- Concerns with the height and scale of the roof;
- This was the wrong building in the wrong place;
- Over development of the site;
- Concerns with the impact on the neighbours;

Councillor Morgan left the meeting at 15:20

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

**Reason** – The proposed garage by virtue of its height and scale will have a detrimental impact on the character and appearance of the Conservation Area as it does not enhance the street scene contrary to the policy DM1 of the Taunton Deane Adopted Core Strategy. The proposed garage causes less than substantial harm to a heritage asset which is not outweighed by public benefits and is contrary to para 196 of the NPPF.

The **Motion** was carried

10. **Latest appeals and decisions received**

**Latest appeals and decisions received**

Reported that on appeal had been received and noted.

(The Meeting ended at 3.52 pm)





36/20/0003

MR BUSSELL

**Erection of first floor extension, ground floor extension and garage at Little Pincombe Barn, Woodhill Barn, Stoke St Gregory.**

Location: LITTLE PINCOMBE BARN, WOODHILL ROAD, STOKE ST  
GREGORY, TAUNTON, TA3 6EN

Grid Reference: 335432.127109 Full Planning Permission

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**Recommendation****Recommended decision: Refusal**

- 1 The proposed raising of the roof to create first floor accommodation and the proposed extensions are not subservient to the existing dwelling in terms of bulk and mass, scale and design and would have an adverse impact upon the character and appearance of the existing dwelling, especially being a former barn conversion. As such the proposal is contrary to policies D5 (A) and (B) (Extensions to dwellings) of the Taunton Deane Site Applications and Development Management Plan and DM1 (d) (General Requirements) of the Adopted Taunton Deane Core Strategy 2011 - 2028.

**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 has looked for solutions 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**

The raising of the roof of the existing property to create first floor accommodation containing three bedrooms with rear balcony, entrance area at ground floor and the replacement of the existing garage with a larger one. The first floor is proposed to be finished in timber cladding to the front with the ground floor retained as the original brick of the former barn. The new roof is proposed to have an asymmetrical design and re-use the existing roof tiles. The rear is proposed to have a glazed elevation at ground floor with a covered balcony area with glazed balustrade at first

floor. The small pitched roof porch will be removed with a flat roof extension shown to the side and the existing garage removed and larger replacement garage proposed, with the orientation of the roof changed.

Whilst the Agent has stated within the submitted Design and Access Statement that the 'scale of the overall increase in footprint could be achieved through permitted development rights, through rear/side extension, rear dormer windows , garage conversion etc. This approach however would result in a more sprawling development which would be less aesthetically pleasing, poorer environmentally in terms of energy use and less sensitive to the area'. It is apparent that the dwellinghouse could not be extended under permitted development due to the restrictive condition for additions and extensions ,which was imposed on the planning approval for the conversion of the original barn to residential.

## Site Description

Little Pincombe Barn is a three bedroom, single storey detached property, which is finished in brick with a small area of cladding under a low tiled pitched roof. It is a former barn, which was given planning permission in 1988, there is a condition, which is common for applications for barn conversions, which restricts the property from being added to or extended without the benefit of planning permission.

There are two small extensions on either end of the barn, which form a pitched roof porch and a master bedroom; these extension were given planning permission in 2007. There is a detached garage set to the rear of the property and parking to the front. This area if enclosed by a stone wall with brick capping.

The dwellinghouse is located in a rural location along a no through road with garden to south containing stabling, which was given permission for its retention in 1994.

## Relevant Planning History

36/07/0005	Erection of two side extensions	Approved
36/94/0005	Retention of the extension to the curtilage and erection of stabling	Approved
36/88/0008	Conversion of barn to dwelling and erection of garage.	Approved

## Consultation Responses

*STOKE ST GREGORY PARISH COUNCIL* - No comments

*WARD MEMBER* - There are no objections from neighbours or anyone else and the Parish Council are neutral. The existing building is not an attractive one and its layout and facilities leave alot to be desired. The changes would be far more interesting and attractive building which would have better circulation space and better facilities for the family that live there.

## **Representations Received**

6 letters of support have been received - improvement to the existing taking in consideration of the character of the area, no negative impact on neighbours in terms of loss of light or overlooking, parking will be greatly improved.

## **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,  
DM1 - General requirements,

## **Local finance considerations**

### **Community Infrastructure Levy**

Extensions of 100sqm or over are CIL liable.  
Proposed development measures approx. 135sqm.

## **Determining issues and considerations**

The main consideration is the significant extensions, including the raising the roof that are proposed at the existing dwellinghouse, a former barn conversion. The character and form of the existing dwelling will be lost. Policy D5 is one of the main policies within the Local Plan, which deals with extensions to dwellings. It states that extensions should not harm the form and character of the dwelling and are subservient to its scale and design. It is accepted that the extensions will have no adverse impact on adjacent neighbours due to the position of the adjacent properties.

The Agent has indicated that the property could be extended as permitted development by adding extensions and dormer windows, however as a restrictive condition was imposed on the original application for the barn conversion, this is not the case. Planning permission would be required for any extensions or addition. The

two small extensions, which were previously added were considered to have no impact on the integrity of the barn and were deemed to be acceptable.

The changes now proposed do not reflect the form and character of the existing property and by reason of its size and scale are not subservient, overall the alterations both dominate and detract from the appearance and character of the former barn and as such the proposal is contrary to policies D5 (A) (Extensions to dwellings) of the Taunton Deane Site Applications and Development Management Plan and DM1 (d) (General Requirements) of the Adopted Taunton Deane Core Strategy 2011 - 2028.

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

**Contact Officer: Mrs S Melhuish**

44/20/0012

MR WATKINS

**Partial rebuild and alterations to agricultural barn to be used for agricultural storage at Charleston Barn, Little Silver Lane, Wellington (retention of part works already undertaken)**

Location: CHARLESTON BARN, LITTLE SILVER LANE, WELLINGTON, TA21  
9NR

Grid Reference: 313990.118959

Retention of Building/Works etc.

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## **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 2020007 001 Location & Block Plan

(A3) DrNo 2020007 003 Proposed Drawings

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

### **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.
2. The applicant is reminded that the public footpath that follows the access track to the approved building must be kept unobstructed at all times.
3. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should

ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

## Proposal

The proposal is to rebuild a former barn for the storage of farm machinery, equipment, hay and for general storage purposes. The proposal entails making good the remaining structure of an old barn with the erection of new walling, the formation of a vehicular entrance and the addition of a new pitched roof. The front elevation will have brick pillars infilled with horizontal timber cladding and a set of double timber doors for vehicular access. The end elevations will be of stone and the rear elevation predominantly stone with a small section of horizontal timber cladding between the existing walling and the new roof. The roof will be a pitched slate roof with timber clad gables.

Some of the works have already been carried out. The applicant believed the works could be done as permitted development as 'alterations to an agricultural building'.

## Site Description

The site is accessed off Little Silver Lane via a short section of the access track which leads to the residential dwelling of Charleston Barn to the south (the home of the applicant). A public footpath follows the access track and leads to the Wellington Monument. The nearest residential dwelling is Byways which fronts Little Silver Lane immediately opposite the entrance to the track.

## Relevant Planning History

44/06/0006, Change of use & conversion of barn to single dwelling, conditionally approved on 05/05/06.

44/08/0005, Erection of detached double garage with integral car port & office at first floor level at land, conditionally approved on 28/04/08.

44/12/0018, Erection of garage, tractor & feed store & animal shelter, conditionally approved on 15/11/12.

44/16/0027, Erection of agricultural storage building (retention of part works already undertaken). Conditionally approved January 2017.

44/17/0004, Change of use of land from agriculture to site 2 no. shepherd huts. Refused July 2017.

## Consultation Responses

*WELLINGTON WITHOUT PARISH COUNCIL* - Strongly object. The proposal is not renovation but new build erected 2018 and 2019 on the site of a derelict thatched cow shed. The size and design are not conducive to the size of the landholding and out of character with the surrounding buildings on the edge of the Blackdown Hills AONB. Council also worried that one of the main well used footpaths from Wellington to the monument is only metres away which will have to be accessed

both along and over the footpath.

SCC - TRANSPORT DEVELOPMENT GROUP - Recommend Standing Advice

## Representations Received

Five letters of representation have been received objecting for the following reasons:

- application states minor refurbishment but this is major rebuild
- the land associated with Charlston Barn would not require the storage of agricultural machinery and therefore the intended use is probably commercial
- increase of heavy traffic since applicant moved in - detrimental to area, a lorry previously got stuck (one resident said for 24hours another over 12 hours)
- the barn will lead to an increase in traffic
- there is minimum acreage at Charlston Barn
- the barn will have large glazed openings compromising the security of the machinery
- with glazing and tiled roof it reflects a domestic building/ holiday let
- the 17 acres of land adjacent to the barn does not belong to the applicant
- the access track and screening under permission 44/12/0018 has not been carried out
- permission 44/16/0027 did not involve the removal of a part of the hedge to enable delivery.. this lost hedge is evident in the submitted photos
- the applicant already has 2 storage buildings which is more than adequate for the size of the landholding
- there is a covenant on Charlston Barn that the site is not used for business. The site has been used for the repair of pallet wrapping machines within the building approved under 44/12/0018 for the garage/ tractor/ feed store. That business has since moved releasing the garage/store building.
- there is a history of non compliance with the applicant
- Granny's Barn was a complete ruin of no more than 15 foot in length. Historically it was a small single storey barn with thatched roof. Until these works started it consisted of a fallen wall on one side and the over side totally overgrown with brambles. Amazed to see the height and size of the current building. The building dwarfs Byways Cottage and is not commensurate with the size of the landholding.
- no information has been provided on the agricultural holding, justification for need and what the agricultural business consists of
- the applicant has not applied for consent to regularise the unauthorised works and do not consider that the council can restore or alter a building which is not in existence and which has been abandoned
- the proposal is contrary to the Council's policies DM2, SD1 and NPPF paras 83, 127 and 170.
- design is elaborate and represents a dwelling - an incongruous addition to the countryside, next to footpath, not in keeping with the rural area
- landscape and visual impacts and would be intrusive for nearby residents, more elevated properties and views from the footpath.
- authorising this proposal risks setting a precedent that unauthorised development can be undertaken without going through the lawful process.

## 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,  
DM2 - Development in the countryside,  
SB1 - Settlement Boundaries,  
CP1 - Climate change,  
D7 - Design quality,  
DM1 - General requirements,  
SD1 - Presumption in favour of sustainable development,  
SP1 - Sustainable development locations,

## **Local finance considerations**

Not applicable

## **Determining issues and considerations**

The main issues in the determination of this application are the principle of development, landscape impact and residential amenity.

### Principle of development

The description for the proposal was initially 'alterations and repairs to barn'. Objectors highlighted that all that remained on site were stone walls from a thatched barn that occupied this site in the past and therefore the proposal represented a new build. It is evident from aerial photographs in 2011 that external walls are present but no roof structure. The description of the development has been amended and the proposal to be considered is for 'the partial rebuild and alterations of agricultural barn to be used for agricultural storage (retention of part works already undertaken)'.

The application site is classed as being within 'Open Countryside' under Core Strategy Policy SP1 'Sustainable Development Locations'. Policy SB1 'Settlement Boundaries' states that proposals within open countryside will be assessed against Core Strategy policies CP1 'Climate Change', CP8 'Environment' and DM2 'Development in the countryside'.

Taking policy DM2, this specifies developments that are acceptable in a countryside location. Even were this proposal to represent a new build barn in the strictest of sense, such developments are supported under DM2 part 4a, '*new non residential agricultural and forestry buildings...*'. This is a view shared in para 83 of the National



Planning Policy Framework (NPPF) which supports *'the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well designed new buildings'*. Policy DM2 4a however further states such buildings should be *'commensurate with the role and function of the agricultural unit'*.

Some objectors believe there is no agricultural unit to start with. Reference has been made to an application in 2017 for the erection of 2No. shepherds huts refused in the adjacent field on the grounds that it did not support economic diversification of an existing farming enterprise and thus was contrary to policy DM2 part 3a.

Firstly there are clear differences between these two proposals as new build tourist accommodation is not supported under DM2 unlike agricultural buildings and secondly under the shepherds hut application, the applicant provided no evidence to demonstrate any farm enterprise existed to justify a departure to the policy.

Policy DM2 part 4 is not specific on what defines or constitutes the size of an agricultural unit. In referring to the Town and Country Planning (General Permitted Development) (England) Order 2016, (GPDO) this specifies permitted development rights for agricultural developments on agricultural units of less than 5 hectares but more than 0.4 hectares. It was under this legislation that the applicant believed he could carry out the works to the barn. The GPDO defines an agricultural unit as *'agricultural land which is occupied as a unit for the purposes of agriculture'*. Agricultural land is further defined as *'land used for agriculture and which is so used for the purposes of a trade or business'*.... Although initially not providing information to demonstrate the site forms part of an agricultural unit, the applicant has now provided details. A rural parish holding number was provided and although this demonstrates the applicant accommodates livestock at the premises, this carries little weight in demonstrating an agricultural business operates from the land. These numbers are merely required for tracing livestock and are required by anybody who keeps livestock even if as pets/hobby. Other details however have been provided confirming the size of the holding at about 1 hectare and its function. Details of machinery and equipment owned by the applicant to manage this holding and details of other farming practices the applicant carries out using his machinery for other landowners has also been specified.

Although the amount of land means it could be described as a small holding, production of hay and maintenance of the fields does require machinery. It could be argued that given the small size of the unit it would be more cost effective to use agricultural contractors. However the applicant provides such services to other small landowners and hence possesses his own machinery to manage not just his own land but others. It is only reasonable for the applicant to want to house this in suitable accommodation to maintain it. It is accepted that an agricultural unit therefore does exist, albeit small, and an agricultural function does take place and that the agricultural function does justify a new building.

Turning to the building being commensurate with the size of the unit, objections have been made on the grounds that there are already two barns at the site and a third is not necessary. There is a garage/tractor storage shed at Charlston Barn however this is used for the applicant's domestic storage and to house sheep when lambing. A second barn, only 40 metres north of the application site granted permission in 2017 is also used for storage of machinery and hay bales. Further storage is

required to accommodate the remaining machinery/ equipment stored in the open and more storage for hay. A recent appeal decision, APP/D3315/W/18/3195590 which allowed the erection of a modern agricultural storage building at Calways Farm only some 600m to the south east of the application site, gives clear guidance on the interpretation of Policy DM2 with respect to the size of an agricultural building. In that case, the LPA refused permission on the grounds that the size of the proposed storage building was not commensurate with the size of the unit. The inspector concluded with the LPA and stated, '*...it is clear that the building proposed would be larger than is currently required to serve the agricultural unit. In applying DM2 4 a in its strictest sense, I find that the building would not be commensurate with the role and function of the existing agricultural unit, thus would not accord with policy. Whilst the proposal would be contrary, it is necessary to address what would be the resultant harm, if an agricultural store was developed on the site. Policy DM2 as worded does not direct refusal on non commensurate buildings, indeed to do so would bring it in direct conflict with the NPPF*'. For these reasons the principle of the development is considered acceptable.

### Landscape impact

Underpinning Policy DM2 therefore is the need to protect the intrinsic character and beauty of the countryside. Policy CP8 aims to conserve and enhance the natural environment and will not permit proposals that would harm these interests unless material considerations are sufficient to override their importance. This is also a view emphasised in para 127 of the NPPF.

Objections have been based on the landscape impact of the proposal due its scale, design, materials and siting.

Para 127 of the NPPF referred to by one objector relates to design. It states any building should be sympathetic to the local character and history, including the surrounding built environment and the landscape setting.

Another agricultural building of similar scale, design and materials was granted permission in 2017 only 40 metres from the application site. In comparison to most farm buildings, the proposed building is small scale, utilising a combination of original stonewalling and new stonework, brick, timber cladding with a pitched slate roof. These are materials that are traditional for old farm buildings in the locality and are not out of character in this rural setting. The applicant intended to use a metal profiled roof but at the request of a neighbour changed it to slate. The use of a pitched slate roof is in keeping with the nearby barn, the dwelling and buildings just south at Charlston Barn and the closest dwellings Byways and Greenways just to the north. The building has double wooden doors to enable access for farm machinery and no glazing as referred to by some objectors. The design of the building reflects that of a traditional barn. The view that it resembles a dwelling is probably because so many old barns have now been converted under permitted development rights to dwellings so there are not many traditional barns left to relate it to.

It is recognised that the Blackdown Hills which rise to the south and are in an Area of Outstanding Natural Beauty require landscape protection. However, this traditional barn and its siting amongst existing hedgerows and mature trees will not affect the landscape qualities of the AONB or its fringes. It must be remembered that an agricultural barn has sat in this location for many years, albeit as objectors have said

with a thatched roof. Any possible distant views from within the AONB or from the public footpath that leads to the hills will see the barn sat amongst a cluster of buildings comprising; Charlston Barn and its outbuildings, Byways, Greenways, Middle Green Farm and it's associated farm buildings and the barn permitted in 2017. This development will not result in an isolated barn in an open countryside location that will be visually intrusive.

Furthermore it could be argued that the barn would enhance the landscape qualities of the area if enables the storage of farm machinery and equipment that would otherwise be stored in the open or hay stored under coloured tarpaulins. This was a point recognised by the inspector in the Calways Farm appeal.

### Residential amenity

The closest residential dwellings are Byways some 60m to the north and Greenways behind and nearly 90m away. Objections have been made that the proposed development will impact on the residential amenity of nearby residents. The barn approved in 2017 is sited almost opposite the frontage of Byways yet the proposed barn is a significant distance further away. The residents from both Byways and Greenways were consulted on the application and have not objected.

### Other matters

Although the access track that will be used to access the barn is a well used public footpath providing a route from Wellington to the Blackdown Hills/Wellington Monument, the siting of the barn and its use will not obstruct the footpath. The applicant has private vehicular rights to use the track to access his property and land. The applicant could utilise this track with farm vehicles 24/7 regardless off the footpath status. The development will only result in the storage of machinery and hay that would otherwise be stored on site but in the open so will not increase vehicular movements to the detriment of the users of the footpath. Historically there has always been an agricultural building in this location adjacent to the footpath. Furthermore the Council approved the other storage barn in 2017 at the entrance to the track and access to this barn also requires crossing the footpath. The impact on the amenity of users of the footpath under the 2017 application was not considered to be affected and this would be no different under this application. To walk past a farm building on a footpath is not uncommon and there are loads of footpaths that follow farm tracks that are much more heavily trafficked by farm vehicles and large farm machinery.

With regards to the objections on the grounds that works have already been carried out at the barn and the applicant has carried out other unauthorised works/operations, these are not relevant considerations. Likewise any future use of the building is not relevant. The application must be judged on its own merits.

One objector refers to the fact that they own the adjacent 17 acres of fields however the applicant has not used this land to justify the need for the barn and the application site is separated from these fields by the access track.

In terms of ecological impact, given clearance works have already been carried out, any possible ecological value at the site is likely to have been lost. There is no proposal to light the barn and therefore further ecological impact should be minimal.

Concerning surface water runoff from the addition of the roof, this is not going to lead to flooding of Little Silver Lane or the footpath. There is a drain to the front of the barn that will take any surface water runoff.

### Conclusion

The proposed development will enable the storage of the applicant's farm machinery, equipment and hay to ensure its maintenance instead of being kept outside during inclement weather. Rebuilding the old barn will achieve a more sustainable development than erecting a new building in a different part of the landholding. This is supported by Policy DM1 'General requirements' which seeks to develop previously developed land.

The siting, scale, design and materials for the barn are not considered to harm the landscape character of the area or the landscape qualities of the AONB. The use of the barn will not impact on the residential amenity of the closest residents or the amenity value for users of the footpath. The proposal goes some way to supporting the local rural economy which is an objective supported by the NPPF. For these reasons it is recommended that permission is granted.

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**

## APPEALS RECEIVED – 11 JUNE 2020

**Site:** Strawberry Fields, Combe Lane, Holford, TA5 1RZ

**Proposal:** Retention of agricultural building including alterations to existing structure (resubmission of 3/16/18/006)

**Application number:** 3/16/19/005

**Appeal reference:** APP/W3330/W/20/3249895

**Enforcement Appeal:**

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**Site:** 20 Townsend Road, Minehead

**Proposal:** Outline planning application with all matters reserved, except for access, for the erection of 1 No. dwelling on land to the rear

**Application number:** 3/21/19/086

**Appeal reference:** APP/W3330/W/20/3248120

**Enforcement Appeal:**

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**Site:** Land at Minehead Major Employment Site (Manor Employment Site), Minehead

**Proposal:** Installation of a standby gas generator plant with associated infrastructure

**Application number:** 3/21/19/099

**Appeal reference:** APP/W3330/W/20/3251284

**Enforcement Appeal:**

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**Site:** **BARTON HOUSE, BRADFORD ROAD, OAKE, TAUNTON, TA4 1DR**

**Proposal:** Erection of 1 No. detached dwelling with associated works in the garden of Barton House, Bradford Road, Oake

**Application number:** 27/19/0028

**Appeal reference:** APP/W3330/W/20/3251631

**Enforcement Appeal:**

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**Site:** IVYLEN, STAPLEY ROAD BISCOMBE, CHURCHSTANTON,  
TAUNTON, TA3 7PZ

**Proposal:** Demolition of bungalow and outbuildings and erection of 1 No. dwelling with farm office and store rooms at Ivylen Farm, Staple Road, Biscombe, Churchstanton

**Application number:** 10/19/0017

**Appeal reference:** APP/W3330/W/20/3251345

**Enforcement Appeal:**

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**Site:** THE OLD WATERWORKS, CHIPSTABLE ROAD, CHIPSTABLE,  
TAUNTON, TA4 2PZ

**Proposal:** Change of use of land from agricultural to domestic at The Old Waterworks, Chipstable Road, Chipstable (retention of works already undertaken)

**Application number:** 09/19/0012

**Appeal reference:** APP/W3330/W/20/3251234

**Enforcement Appeal:**

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**Site:** WATERHAYES COTTAGE, WATERHAYES LANE, OTTERFORD,  
CHARD, TA20 3QH

**Proposal:** Erection of a single storey extension to the side of Waterhayes Cottage, Waterhayes Lane, Otterford

**Application number:** 29/20/0001

**Appeal reference:** APP/W3330/D/20/3251478

**Enforcement Appeal:**

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