

Application Details	
Application Reference Number:	13/22/0003
Application Type:	Retention of Building/Works etc.
Earliest decision date:	15 April 2022
Expiry Date	13 May 2022
Extension of time	17 July 2022
Decision Level	Committee
Description:	Erection of timber garden shed at 1 Yeas Cottage, Cushuish (retention of works already undertaken)
Site Address:	YEAS COTTAGE, 1 CUSHUISH ROAD, COTHELSTONE, TAUNTON, TA2 8AP
Parish:	13
Conservation Area:	N/A
Somerset Levels and Moors RAMSAR Catchment Area:	Within
AONB:	N/A
Case Officer:	Mrs M Pike
Agent:	N/A
Applicant:	MR B THORPE
Committee Date:	
Reason for reporting application to Committee	Applicant is partner of a SWT staff member.

## 1. Recommendation

1.1 That planning permission be **GRANTED** subject to conditions

## 2. Executive Summary of key reasons for recommendation

2.1 The purpose of the shed is for garden storage. Its design and scale are subservient to the main dwelling, with a simple pitch roof of natural clay tiles and clad in natural timber. Its position is well away from the main dwelling and the access to the highway. It is well screened by mature trees and a high bank from the road. The shed is built upon raft foundations which will not cause harm to the nearby tree roots and no trees or hedges have been removed or pruned to enable the works subject of this application. For these reasons it is considered that the shed complies with policies DM1 (General requirements) and CP8 (Environment) and is considered to have no unacceptable impact upon the listed building.

## 3. Planning Obligations and conditions and informatives

### 3.1 Conditions (full text in appendix 1)

3.1.1 Approved plans

3.1.2 Materials

### 3.2 Informatives (bullet point only)

### 3.2.1 Proactive Statement

### 3.3 Obligations

N/A

## 4. Proposed development, site and surroundings

### 4.1 Details of proposal

This application seeks approval for the erection of a fairly substantial timber garden shed measuring 5.08 metres wide x 3.76 metres deep, 1.8 metres to the eaves and 3.1 metres high to the apex. Its purpose is for storage of garden equipment etc. It has timber clad walls with timber door on the front elevation under a pitched roof of clay tiles. The shed is set within the domestic curtilage, in the rear garden of the dwelling. The application site is close to the south eastern boundary of Yeas Cottage with Cushuish Lane, but screened from view by the high roadside bank and mature trees.

### 4.2 Sites and surroundings

Yeas Cottage is a Grade 2 listed, two storey semi-detached dwelling finished in pink coloured render under a pitched thatched roof. The application site is within the rear garden of the dwelling and separated from the boundary of the Quantock Hills AONB by Cushuish Lane, but is completely screened from view from the road by a high bank and mature trees lining the roadside.

## 5. Planning (and enforcement) history

None.

## 6. Environmental Impact Assessment

N/A

## 7. Habitats Regulations Assessment

N/A

## 8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 24 March 2022

8.2 Date of revised consultation (if applicable): N/A

8.3 Press Date: N/A

8.4 Site Notice Date: 31 March 2022

8.5 **Statutory Consultees** the following were consulted:

Consultee	Comment	Officer comment
BISHOP LYDEARD &	Support	Noted

COTHELSTONE PARISH COUNCIL		
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SCC - TRANSPORT DEVELOPMENT GROUP	No observations	Noted
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
PLANNING ENFORCEMENT	No comment received	Noted

8.6 **Internal Consultees** the following were consulted:

<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
Arboricultural Officer	No objection	Noted
Conservation Officer	<p>In assessing the harm on the setting of the listed building this has been balanced against the location, scale, design and use of materials. In this respect the shed measures at 5.08m x 3.76m, constructed in timber with clay tiles, located within the south-east corner of the garden, set behind the mature hedgerows that define Cushuish Road.</p> <p>On balance the shed is of a sizable scale however in considering the use of traditional materials, location and verdant nature of the garden and surrounding area, the proposal would continue to preserve the contribution the setting makes to the significance of the listed building.</p> <p>In summary the proposed works erection of a timber garden shed, to the south-east corner of the rear garden of No.1 Yeas Cottage, would continue to preserve the contribution the setting makes to the significance of the listed building in accordance with Policy 206 of NPPF21.</p> <p><b>Recommend approval with a</b></p>	

	<b>materials condition.</b>	
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## 8.7 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement. No neighbour letters have been received in response.

## 9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day.

Relevant policies of the development plan in the assessment of this application are listed below:

EN2 - TDBCLP - Sites of Special Scientific Interest,  
CP8 - Environment,  
DM1 - General requirements,

### Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (February 2021)

### Neighbourhood plans:

Bishops Lydeard and Cothelstone

## 9.1 National Planning Policy Framework

The proposal is considered to comply with the requirements as set out within the NPPF.

## **10. Material Planning Considerations**

The main planning issues relevant in the assessment of this application are as follows:

### **10.2.1 *The principle of development***

The shed is for garden storage purposes, set at a considerable distance from the main dwelling in the south east corner of the rear garden where mature trees enclose the garden and where the application site is screened from the road. The simple pitched roof design and natural materials of timber and clay roof tiles are harmonious with the character and appearance of the main dwelling. For these reasons the shed is considered to meet the requirements of policy DM1 in terms of the appearance and character of any affected landscape, settlement, building or street scene. The proposal is therefore considered to be acceptable in principle.

### **10.2.2 *Listed building***

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

The shed is finished in natural materials of wooden shiplap cladding over a timber frame under a pitch roof of clay tiles. It is considered to be acceptable in form, character and appearance and will not harm the listed building, its setting or architectural and historic interest or the Quantock Hills AONB.

### **10.1.2 *Protected species* - CP8 (Environment)**

The Borough Council will conserve and enhance the natural and historic environment, and will not permit development proposals that would harm these interests or the settings of the towns and rural centres unless other material factors are sufficient to override their importance.

The shed is built upon raft foundations which are shallow and will not cause harm to the nearby tree roots. No trees or hedges have been removed or pruned in order to carry out the works. It is considered that no unacceptable harm or significant disturbance to trees or to protected species habitat results from this application.

## **11 Local Finance Considerations**

### **11.1 Community Infrastructure Levy**

N/A

## **12 Planning balance and conclusion**

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of

relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "*clear reason for refusing the development proposed*" or where the benefits of the proposed development are "*significantly and demonstrably*" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

12.2 For the reasons set out above, having regard to all the matters raised, including having no unacceptable impact upon the listed building, it is therefore recommended that planning permission be GRANTED subject to conditions.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

## Appendix 1 – Planning conditions and Informatives

### Conditions

1. The development hereby permitted shall be retained as shown on the approved plans:

(A4) Location Plan  
(A4) Block Plan  
(A3) Scale Elevation

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

2. The external finishes of the outbuilding hereby permitted shall be of timber walls and clay roof tiles as specified on the Application form and the A3 Scale Elevation drawing received 09 March 2022 and shall remain as such. Photographs of the hereby approved storage shed to be submitted to the Local Planning Authority prior to completion.

Reason: To safeguard the character and appearance of the setting of the listed building.

### Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 21 the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of planning permission.