

<b>Application Details</b>	
Application Reference Number:	<a href="#">10/22/0015</a>
Application Type:	<a href="#">Full Planning Permission</a>
Earliest decision date:	05 August 2022
Expiry Date	<a href="#">31 August 2022</a>
Extension of time	
Decision Level	
Description:	Replacement of bungalow with a two storey detached dwelling at The Beeches, Taunton Road, Churchinford (resubmission of 10/21/0016)
Site Address:	<a href="#">THE BEECHES, TAUNTON ROAD, CHURCHINFORD, TAUNTON, TA3 7DW</a>
Parish:	10
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	<b><i>Blackdown Hills</i></b>
Case Officer:	<a href="#">Mike Hicks</a>
Agent:	
Applicant:	MR T DODSWORTH
Committee Date:	
Reason for reporting application to Committee	The officers recommendation is contrary to the view of a Parish Council and 4 individuals.

## 1. Recommendation

1.1 That permission be REFUSED

## 2. Executive Summary of key reasons for recommendation

2.1 Refuse permission due to the scale and design of the proposed dwelling.

## 3. Planning Obligations and conditions and informatives

N/A

## 4. Proposed development, site and surroundings

### 4.1 Details of proposal

The application proposes the demolition of a bungalow and construction of a detached, two storey replacement dwelling. The proposed dwelling would be located in a similar position to the existing dwelling although rotated slightly. The proposed dwelling would be an increase in size in accordance with the following:

	Footprint	Total foot print (ground and first floor)	Height	Width	Length
Existing	159 sq metres	159 sq metres	6 m		17.4
Proposed	179 sq metres	330sq metres	7.5 m	9.2	19.6
Previous application	194 sq metres	358 sq metres (minus first floor void)	7.5m	10.4	18.6

The proposed dwelling measures approximately 19.6 metres in length by 9.2 metres in width. It would be clad in timber to the walls and grey metal cladding to the roof. It would contain an open plan kitchen/dining room to the ground floor, a store/utility and three further reception rooms comprising a dining room, office and snug. The first floor would contain 4 bedrooms and two open landing areas along with a ground floor to ceiling void.

#### 4.2 Sites and surroundings

The site is located within an open countryside location, in the Blackdown Hills AONB. It consists of a detached bungalow located in a triangular shaped plot at a fork in two roads. There is an adjacent dwelling to the south, Beechcroft.

The site is bordered by mature trees to the east and west boundaries. There is a public footpath (T6/16) located to the south of the site.

### 5. Planning (and enforcement) history

Reference	Description	Decision	Date
10/21/0016	Replacement of bungalow with a two storey detached dwelling	Refused	17/21/2021

### 6. Environmental Impact Assessment

N/A

### 7. Habitats Regulations Assessment

The application is located outside the catchment of the Somerset Levels and Moors Ramsar site and accordingly there would be no impact on phosphate levels within the Ramsar site. There are no other protected sites within sufficiently close proximity to conclude any other likely significant impacts. It can therefore be determined that as there would be no likely significant impacts on protected sites, a Habitats Regulations Assessment is not required.

### 8. Consultation and Representations

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

8.1 Date of consultation: 13 July 2022

8.2 Date of revised consultation (if applicable):

8.3 Press Date: 15 July 2022

8.4 Site Notice Date: 21 September 2022

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

<b>Consultee</b>	<b>Comment</b>	<b>Officer Comment</b>
CHURCHSTANTON PARISH COUNCIL	Support the application. <ul style="list-style-type: none"><li>• Para 134B gives support to the proposal</li><li>• The proposal represents innovative design and reflects the agricultural nature of the area.</li></ul>	Refer to design section
SCC - ECOLOGY	Previous comments under 10/21/0016 apply. Emergence surveys confirmed the presence of a day bat roost used by a low number of bats. The development will result in the destruction of the bat roost. The following conditions are therefore required to mitigate the impact on bats and other species: <ul style="list-style-type: none"><li>• Natural England licence to be secured</li><li>• Construction worker bat induction/works take place under supervision of ecologist.</li><li>• Bat box</li><li>• Bat friendly external lighting</li><li>• Tree/hedge protection</li><li>• Demolition/vegetation removal outside bird nesting season</li><li>• Bee brick/bird boxes</li></ul>	Refer to ecology section
BLACKDOWN HILLS AONB SERVICE	<ul style="list-style-type: none"><li>• Applications should be assessed against Policy PD2 of the AONB management Plan.</li><li>• The AONB design guide for houses should be taken into account.</li><li>• It is questioned whether taking design cues from modern agricultural buildings is the most appropriate solution for a residential plot adjacent to other residential properties rather than drawing on the rich local vernacular of houses.</li></ul>	
WESSEX WATER	No objections. Comments made in relation to connection to water mains.	
SCC - TRANSPORT DEVELOPMENT GROUP	Standing advice applies	

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

Consultee	Comment	Officer comment
TREE OFFICER	No objection provided the submitted tree protection plan and method statement are followed. Pre commencement tree protection condition required.	

## 8.7 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

Letters have been received from 6 properties in the local area supporting the proposal.

Material Planning Considerations	
Support	Officer comment
<ul style="list-style-type: none"> <li>• Proposal would blend in with its surroundings and would improve the existing situation visually.</li> <li>• Proposal would be environmentally sustainable.</li> <li>• Changes have been made from the previous proposal to improve the design</li> </ul>	Refer to design section

### 8.7.2 Summary of support - non planning matters

- Applicants have committed themselves to the local community.
- The applicants have informed us throughout the plans and taken requests into account (occupiers of adjacent property- Beechcroft)
- Existing property is damp and a health hazard

## 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:

CP8 - Environment,  
CP1 - Climate change,  
DM1 - General requirements,  
DM2 - Development in the countryside,  
SP1 - Sustainable development locations,  
ENV1 - Protection of trees, woodland, orchards and hedgerows,  
A1 - Parking Requirements,  
D7 - Design quality,  
D10 - Dwelling Sizes,  
D12 - Amenity space,

#### 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 (March 2022).

#### 9.1 National Planning Policy Framework

The NPPF is a material consideration.

### **10. Material Planning Considerations**

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

- 10.1 Principle of development
- 10.2 Visual amenity/landscape character/design
- 10.3 Room sizes
- 10.4 Residential amenity
- 10.5 Ecology
- 10.6 Trees
- 10.7 Highway safety
- 10.8 5 Year housing land supply

#### **10.1 The principle of development**

10.1.1 The site is located in the open countryside, Policy DM2 is therefore relevant. It sets out various categories of development that will be supported in principle in the

open countryside. This includes replacement dwellings. It states that replacement dwellings will be supported:

*'only if the residential use of the existing building has not been abandoned, it would be uneconomic to bring the dwelling to an acceptable state of repair, is a one-for-one replacement and is not substantially larger than the existing dwelling'*.

10.1.2 The proposed dwelling is a one for one replacement. The issues of abandonment and the economic viability of renovation were considered in detail under the previous application. The considerations remain the same for this application. The dwelling is currently occupied and has therefore not been abandoned.

10.1.3 The applicant states that the dwelling was constructed in the 1960s and that it requires extensive renovation including the replacement of the asbestos tiles roof, removal of asbestos within the building, removal of black mould, provision of ventilation, upgrade of fabric, plumbing, electricity and other services. In terms of costs the design and access statement estimates approximately £25,000 to upgrade the property to improve it from an E to a C rating on the EPC report. This includes items such as cavity wall insulation, floor insulation, boiler replacement, solar panels. The application further calculates a renovation cost of £477,000 which it states is more expensive than replacing the dwelling. The submission further states that the new dwelling would be a significant improvement in energy use terms. Although the policy suggests that an applicant should demonstrate that the retention option is uneconomic to bring up to an 'acceptable state of repair', it would be a reasonable argument that a householder would wish to achieve a building regulations compliant renovation in respect to insulation and other aspects. On the basis of the information provided and the general condition of the existing dwelling, it is considered that a case for replacement in principle can be accepted and would comply with Policy DM2 of the Taunton Deane Core Strategy.

10.1.4 In terms of scale, Policy DM2 requires that replacement dwellings are not substantially larger than the original. The current proposal follows a previous application which was refused on the basis of scale and design. The current proposal has reduced the footprint of the dwelling from 194 to 179 squares metres compared to the previously refused scheme. This is achieved by reducing the width by 1.2 metres, although the length of the building has increased by 1 metre.

10.1.5 The proposed dwelling would be approximately 1.5 metres taller than the existing dwelling. Whilst the proposal is slightly smaller than the previous proposal, the reduction is relatively minor. Whilst the height increase on its own is not significant, the increase in floor area of more than double the existing would be a substantial increase. The resulting dwelling would be of a different character and impact as a result of the increase in scale. Notably it would be both longer and wider than the adjacent dwelling, Beechcroft. The increase in scale would also result in a greater visual prominence which is considered in greater detail below.

Having regard to the above it is considered that the increase in scale of the proposal would be substantial and would therefore not comply with Policy DM2.

## 10.2 Design and impact on the character and appearance of the locality:

10.2.1 The site is located within the Blackdown Hills Area of Outstanding Natural Beauty (AONB) and within the 'Blackdown Hills Plateau' character area as defined in the emerging Districtwide Design Guide SPD. This is a nationally protected landscape and there is a statutory duty under Section 85 of the Countryside and Rights of Way Act 2000 (CROW 200) to 'have regard to the purpose of conserving or enhancing the natural beauty' of AONBs when taking decisions.

Furthermore, Chapter 15 relating to the Natural Environment of the National Planning Policy Framework is a relevant material consideration.

10.2.2 Paragraph 176 states:

*"Great weight should be given to conserving and enhancing 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 these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas".*

10.2.3 Policy DM1 requires that the appearance and character of any affected landscape would not be unacceptably harmed. Policy DM2 states that development must amongst other criteria:

*"be of a scale, design and layout compatible with the rural character of the area and must:*

*not harm the residential amenity of neighbouring properties, landscape and ecology of the local area or highway safety, and adequate arrangements can be made for the provision of services;"*

10.2.4 In addition Policy CP8 is relevant and CP8 requires amongst other criteria that the natural environment will be protected, conserved and enhanced, development will be appropriate in terms of scale, siting and design, will provide for any necessary mitigation measures.

10.2.5 The supporting text of Policy CP8 refers to the AONB Management Plans which are adopted by the relevant AONB partnerships every 5 years and has been produced by the AONB on behalf of the relevant local authorities. As explained above, the aim of this document is to provide additional guidance to the Council on matters relating to the AONB.

Within the AONB Management Plan, Policy PD2 is relevant and is a material consideration in this decision.

10.2.6 Policy PD2 of the AONB Management Plan states that development will conserve and enhance natural beauty and special qualities by respecting landscape character, being sensitively sited and of appropriate scale, reinforcing local distinctiveness and seeking to protect natural features and biodiversity.

10.2.7 The design and access statement explains the rationale for the siting, orientation and design of the dwelling. The proposed dwelling would contrast with the existing traditional vernacular for residential properties in the area in terms of the form and materials proposed.

10.2.8 The wall cladding has been amended from grey plasticote covered steel cladding to timber. The application states that there is precedent for such cladding in the form of nearby modern agricultural buildings. The form of the proposed dwelling also takes some cues from some of these buildings which are identified as being in the area.

10.2.9 Timber cladding in the form of Yorkshire boarding or similar is a commonly used material for modern agricultural buildings and sometimes traditional agricultural buildings. The use of a natural material is considered to be an improvement over the previous application, however, locally distinctive traditional barns on the Blackdown Hills which are uniquely characteristic of the area will typically use materials such as chert stone and cob with timber a more minor component. Timber is commonly used as a cladding material on modern agricultural buildings. As such the proposal would not reinforce local distinctiveness and would harm the character and appearance of the local landscape and streetscene.

10.2.10 The scale of the dwelling, particularly the significant width and resulting shallow roof pitch is considered to be contrary to the steeper traditional roof characteristic of the Blackdown vernacular which are referenced within the Blackdown Hills Design Guide. The broad gable and extensive use of timber and shallow roof pitch is considered to be reminiscent of a modern agricultural barn. As such the proposal would not reinforce local distinctiveness and would harm the character and appearance of the local landscape and streetscene.

10.2.11 The Blackdown Hills AONB Partnership have been consulted and have questioned the design referencing design cues being from modern agricultural buildings as opposed to other more appropriate residential vernacular. It is considered that the scale, design and form of the dwelling along with the elevational treatment, including the use of timber cladding to all elevations and the proposed fenestration would result in an incongruous development when viewed against the character of existing adjoining development. The length and breadth of the dwelling which are significant in their context, exceeding the adjoining dwelling would amplify the concerns over the design expressed above.

10.2.12 It is acknowledged that the site is reasonably well enclosed by trees, however these are deciduous and therefore in the winter the building would be less well screened. Furthermore, the dwelling would have a permanence which is not certain for the existing trees surrounding the site. The increase in scale would amplify the visual presence of the building exacerbating the impacts and harm outlined above.

10.2.13 The Parish Council support the application and have referenced paragraph 134 (b) of the NPPF which states:

that significant weight should be given to *'outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'*. This opinion is acknowledged, however for the reasons outlined above it is considered that the proposal would not represent outstanding or innovative design contrary to paragraph 134(b). Furthermore, the proposal is contrary to the introductory part of paragraph 134 which states that; *'Development that is not good design should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes'*.

10.2.14 Having regard to the above, it is considered that the scale and design would not be appropriate within its setting. The scale, form, orientation, design and materials of the proposed dwelling would appear incongruous in its surroundings, would not conserve the distinctive landscape character of the AONB and would harm the character and appearance of the local landscape and the streetscene. Accordingly the proposal is contrary to Policies DM1, DM2 and CP8 of the Taunton Deane Core Strategy, Policy PD2 of the AONB Management Plan, the guidance within the Districtwide Design Guide SPD and Chapters 12 and 15 of the NPPF.

### **103 Quality of accommodation- room sizes**

10.3.1 Policy D10 of the Site Allocations and Development Management Plan sets out minimum size requirements for new build dwellings. Overall the dwelling exceeds the minimum requirement for a 4 bedroom dwelling. The floor plans indicate four double rooms, however three of these rooms do not meet the minimum of 11 square metres, although the minimum for a single room is exceeded. This technical conflict with the Local Plan is acknowledged, however these rooms could be classified as singles and would then comply with the policy. Overall despite the technical conflict with Policy D10, the proposal is considered to be acceptable in relation to the size of accommodation.

There would be sufficient outside amenity space in accordance with Policy D12 of the Taunton Deane Site Allocations and Development Management Plan.

### **104 The impact on neighbouring residential amenity**

10.4.1 Policy DM2 requires that development must not harm the residential amenity of neighbouring properties. The principal consideration is the impact on the adjacent dwelling to the south, Beechcroft. At its nearest point, the proposed dwelling would be 7.1 metres from the shared boundary. The dwelling would be angled towards Beechcroft so that the rear elevation of the proposed dwelling would be visible from the private area to the rear of the neighbouring dwelling. The furthest corner of the proposed dwelling would be 15.2 metres from the shared boundary. The first floor would contain two 'family lounge' windows, a bathroom window and a bedroom window.

10.4.2 Whilst at varying distances from the shared boundary these windows would overlook and provide substantial views across the neighbours garden. This is in

contrast to the more common gable to gable relationship which would not allow views of the garden in the areas directly outside the adjacent property.

10.4.3 The applicant has indicated that they would be happy for these windows to be obscure glazed. Obscure glazing would still result in a degree of perceived overlooking, however given the distance of the proposed windows to the shared boundary this would be at an acceptable level.

10.4.4 Subject to a planning condition to secure obscure glazing to the first floor windows on the south elevation, along with the method of opening, it is considered that the proposal would not have an unacceptable impact on the amenities of these adjoining occupiers. As such the proposal would accord with Policy DM2 of the Taunton Deane Core Strategy.

### **105 The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site.**

10.5.1 In relation to ecology, Policies CP8, DM1 and DM2 of the Taunton Deane Core Strategy are of relevance. Policy CP8 requires amongst other criteria that development must protect habitats and species, including those listed in the UK and Local Biodiversity Action Plans and must be in accordance with national, regional and local policies within rural areas (including those for protected Natura and Ramsar sites). Policy DM1 requires that development must not lead to harm to protected wildlife species or their habitats. Policy DM2 states that all development in the countryside must be compliant with the Habitats Regulations.

10.5.2 The bat and protected species survey submitted with the application found evidence of bats roosting within the property which was later confirmed by an emergence survey. Accordingly the impacts of the development on this protected species would be the destruction of a bat roost and potentially causing disturbance and or injury to any roosting bats at the commencement of the development. As such, a Natural England licence is needed to destroy the bat roost. This licence can only be granted if planning permission is granted and would secure compensatory measures and mitigation to ensure potential harm is kept to a minimum. In addition, measures to secure biodiversity net gain are recommended within the submitted ecology report such as one nest box, one bee brick and external lighting to be designed with bat friendly specifications.

10.5.3 The County Ecologist has reviewed the additional report and does not object to the scheme subject to conditions relating to securing the Natural England Licence, mitigation as per the emergence survey to be submitted and approved, external lighting to be approved, tree protection measures, supervised vegetation removal if removed in nesting season and biodiversity enhancements. These conditions are considered necessary to ensure that the risk of harm to protected species is kept to a minimum acceptable level. In addition to the above conditions, an assessment of the proposal is required against the 'derogation regulations' as required by the Habitats Directive to establish the acceptability of the bat roost destruction. In determining an application for a licence, Natural England must consider the following tests have been met:

- (a) Preserving public health or public safety or other imperative reasons of overriding public interest;
- (b) There is no satisfactory alternative; and
- (c) The action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range

10.5.4 Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 requires the Local Planning Authority to have regard to the Habitats Directive including the derogation regulations in making a determination, which requires an assessment of whether a licence is likely or not to be granted. The County Ecologist has confirmed that as the potential impact is relatively low, it would be very unlikely that a licence from Natural England would be refused, although they would only grant a licence in the event of planning permission being granted for the works.

10.5.5 Given the above it is considered that there are insufficient reasons for refusing the application on the derogation tests alone if it is unlikely that Natural England would refuse a licence for a development of this scale. In relation to the second test, it appears likely that because of the condition of the property, relatively substantial remodelling will be required to bring the property up to an acceptable condition, including substantial works to the roof which are likely to impact on any roosting bats. There are no other options within the site other than extensive renovation or replacement of the dwelling. In relation to the third test, the licence approval from Natural England along with any mitigation can be secured via planning condition to ensure there would be no harm to the interests of maintaining the species at a favourable conservation status. The third test would therefore be met.

10.5.6 Having regard to the above, subject to conditions, the proposal would ensure an acceptable impact on protected species in accordance with the relevant sections of the Habitats Directive and Regulations, Chapter 15 of the NPPF and Policies CP8, DM1 and DM2 of the Taunton Deane Core Strategy.

## 10.6 Trees

10.6.1 Policy ENV1 requires that development should seek to minimise impact on trees, woodlands and orchards. Where loss is unavoidable, the development should be timed to avoid disturbance to protected species. Adequate provision must be made to compensate for this loss.

10.6.2 The applicant has submitted a tree survey and arboricultural method statement and implications statement (AMS). The tree survey identifies 5 category B trees and 2 category C trees on the roadside boundaries. It sets out the root protection areas and a designated area for the storage of materials outside these areas.

10.6.3 The AMS identifies that tree 1, a large mature Beech tree has the fungal infection at the base and should be felled as it is unsafe. This tree was not illustrated on the tree survey plan or the block plan and accordingly updated plans were requested and received. In relation to the felling of this tree, the Tree Officer commented that the removal of this tree is reasonable for safety reasons. The Tree Officer has further commented that subject to the measures outlined in the AMS

being secured via a condition, there would be no adverse impact on the health of the trees. Subject to the above planning condition the proposal would comply with Policy ENV1 of the Taunton Deane Site Allocations and Development Management Plan.

### **10.7 Access, Highway Safety and Parking Provision:**

10.7.1 Policy DM1 of the Taunton Deane Core Strategy requires that additional traffic arising from development must not lead to overloading of access roads or road safety problems. Policy DM2 requires that all development in the countryside must not harm highway safety.

10.7.2 The Highway Authority have commented that standing advice applies. In this instance the existing access would be utilised on the northern boundary of the site. The road at the site entrance is de restricted, however vehicle speeds are likely to be relatively slow and within 30 mph due to the proximity to the junction.

10.7.3 The application does not illustrate the existing visibility splays, however visibility is relatively good due to the depth of the roadside verge. As this is an existing access serving an existing residential property, it is considered that the additional vehicular movements serving a larger dwelling would be relatively minimal. There would therefore be no harm in relation to highway safety.

10.7.4 In relation to parking, there are currently 3 spaces and no changes are proposed to the parking area. The existing parking area is relatively tight, however the applicant has submitted a plan indicating how vehicles can park and exit the site in forward direction. This detail is considered to be acceptable.

10.7.5 Planning conditions can be imposed to retain the parking and turning area clear of obstruction and to ensure that gates are hung a minimum of 5 metres from the carriageway edge and to open inwards.

Subject to the above conditions, the proposal would have an acceptable impact on highway safety.

### **10.8 Five Year housing land supply**

10.8.1 Somerset West and Taunton published the 2022 Strategic Housing Employment Land Availability Assessment (SHELAA) in May 2022. The former Taunton Deane Borough Council (TDBC) Local Planning Authority (LPA) area had a 4.04 Year Housing Land Supply (YHLS).

10.8.2 As a result of the Phosphates Planning Committee decision on 21 July 2022 to bring forward interim measures to unlock development in the former TDBC area and taking into account the Written Minister Statement 20 July 2022 the Council considers that it could demonstrate a 5YHLS.

10.8.3 The interim measures, the phosphates credits, could unlock between 150 and 780 dwellings and this would result in a HLS of between 4.25 and 5.13 years. At the upper end this would mean that Presumption would not apply.

In light of the above it is considered that there is no absence of a 5YHLS within the former TDBC area. The presumption in favour of sustainable development referenced by paragraph 11 of the NPPF is therefore not applied.

## **11 Local Finance Considerations**

### **11.1 Community Infrastructure Levy**

This proposed development measures approximately 290 sqm.

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 £36,250.00. With index linking this increases to approximately £51,250.00.

## **12 Planning balance and conclusion**

12.1 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is refused.

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/ Reason/s for refusal**

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council works in a positive and creative way with applicants and looks 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.