

Application Details	
Application Reference Number:	49/22/0016
Application Type:	Full Planning Permission
Earliest decision date:	01 July 2022
Expiry Date	18 July 2022
Extension of time	
Decision Level	
Description:	Erection of 1 No. dwelling, to be tied to farm, with demolition of outbuildings at Pitt Farm, Ford, Wiveliscombe (resubmission of 49/21/0032)
Site Address:	PITT FARM, BILLY LANE, LANGLEY MARSH WIVELISCOMBE, TAUNTON, TA4 2RH
Parish:	49
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	No
Case Officer:	Ben Gilpin
Agent:	TERRAPERMAGEO
Applicant:	MR & MRS T RILEY
Committee Date:	December 2022
Reason for reporting application to Committee	The proposal is contrary to adopted Policy, but has received support from more than 4 members of the public and the Parish Council (the PC have not objected, but have not supported either, providing a neutral comment)

1. Recommendation

1.1 That permission be REFUSED

2. Executive Summary of key reasons for recommendation

2.1 A planning application should be determined in accordance with the development plan unless material considerations indicate otherwise.

2.2 The site is in open countryside and the proposed development of a tied rural workers dwelling would not accord with the NPPF 2021 (para. 80 (a)-(e)), in that it (a) there is no essential need for a rural worker to live permanently at or near their place of work in the countryside (the site has an existing property on site); (b) the development would not represent the optimal viable use of a heritage asset (the heritage asset is already in use (house)); (c) the development would not re-use redundant or disused buildings, although it would have a negligible effect on its immediate setting; (d) the development would not involve the subdivision of an existing residential building (the proposal is for a new build house); and (e) the design is not considered to be of exceptional quality.

2.3 Although the scheme could contribute a single dwelling towards the Taunton

Deane Borough Council (TDBC) 5 year housing land supply (5YHLS), the provision of one property, in an unsustainable location, would be contrary to adopted policy and the development plan.

2.4 It has also been suggested that, as a material consideration, the proposal should be supported as it would allow for the management of the land (through a site management plan) and provision of a 'community hub'. It has been acknowledged that the site currently provides for a community hub (and that this use would be strengthened by the addition of a tied dwelling at the site).

2.5 It is considered that the Site Management Plan, although having worthy objectives, could be delivered on the identified 4.4 acres (1.8 hectares) of land without the need for an additional dwelling on the site (the site has an existing farmhouse) - the 'tests' in para.80(a) and (c) in particular of the NPPF have not been met as no robust evidence of a categorical need to be on site has been produced, and the scheme proposes the demolition of an existing building (with an approximate footprint of 72 sq.m), rather than its reuse and conversion.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

N/A - refusal

3.2 Informatives (bullet point only)

3.2.1 Proactive Statement

3.3 Obligations

N/A - refusal

4. Proposed development, site and surroundings

4.1 Details of proposal

Erection of 1 No. dwelling, to be tied to farm, with demolition of outbuildings at Pitt Farm, Ford, Wiveliscombe (resubmission of 49/21/0032). This would be an additional dwelling to be tied to existing farm.

The proposed dwelling would be a single storey house, requiring the demolition of an existing pottery building to provide sufficient space.

To provide phosphate mitigation, the scheme seeks to provide a new wetland area to accommodate outflows.

The finish / appearance of the proposed property has been described as follows: "The new house would have walls clad with timber. This would be a local species sourced from Somerset or Devon (likely larch- subject to availability at the time of construction). The arrangement would be a vertical 'board on batten' type. The stone walls that would form the 'plinth' of the house would be constructed using the stone that would be sourced from the demolished lean-to shed, which appear to have been originally sourced from on-site. This stone would be bonded using a traditional-mix

lime mortar.

The roof of the new dwelling would be clad in corrugated metal which would be powder coated in the interest of longevity. There would be PV panels mounted to this on the south facing side.

The new dwelling would have high-performance double and triple glazed timber windows, which would be faced with metal (composite-type).

New doors would be high-performance units and would include a portion of glazing. The frames would be constructed from timber and faced with metal (composite-type)."

4.2 Sites and surroundings

The site location is in open countryside and within the setting of the Listed Building (main farmhouse and curtilage listed barns).

The site has no statutory designation constraints.

The design is similar to that previously refused (see planning history below).

The site is part of a former farm complex (now with significantly reduced associated land - 4.4 acres (1.78 hectares)) with the main farmhouse being a listed building (Grade II LB).

There are a range of outbuildings and two agricultural fields associated with the site, to the north and south of the main farmhouse. The land is gently sloping to the south where there is a minor watercourse (just outside of the site). Access is via Grants Lane. There is also a public footpath running near to the proposed development area (along the private track providing access to the site and main dwelling - WH16/47 (Footpath)).

The site is approximately one mile north of Wiveliscombe.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
49/21/0032	Erection of 1 No. dwelling, to be tied to farm, with demolition of outbuildings and formation of wetland area	Refusal	03.09.2021

6. Environmental Impact Assessment

N/A

7. Habitats Regulations Assessment

The proposal lies within the Phosphate Catchment Area and mitigation is required.

In this instance the statutory consultee has determined that the proposal would be acceptable from a phosphates perspective, subject to the securing of a Bio PTP by way of UU.

8. Consultation and Representations

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

8.1 Date of consultation: 23 May 2022

8.2 Date of revised consultation (if applicable):

8.3 Press Date:

8.4 Site Notice Date: 06 June 2022

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

Consultee	Comment	Officer Comment
WIVELISCOMBE TOWN COUNCIL	Wiveliscombe Town Council recognise that this application is contrary to existing policy regarding dwellings in the open countryside. However, we note extensive developments close by along Grants Lane that have been approved.	Recorded as neither support nor objection. Reference to 'extensive developments' are considered in this report.
SCC - ECOLOGY	No comments received	No objection is recorded.
SCC - RIGHTS OF WAY	I can confirm that there are public rights of way (PROW) recorded on the Definitive Map that run along the proposed access to the site (public footpath WG 16/47 and restricted byway WG 16/50) at the present time. I have attached a plan for your information. I have not visited the site. The Definitive Map and Statement are legally conclusive of the existence and status of those public rights of way that they show. However, they are not conclusive as to what they omit. Therefore, the fact that a right does not	No objection subject to conditions / informatives

appear either on the Map and Statement, does not necessarily mean that it does not exist.

1. Specific Comments

Restricted byways can be used by members of the public on foot, horseback, pedal cycle and by non-mechanically propelled vehicles such as horse drawn carriages.

The local planning authority needs to be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along the restricted byway WG 16/50 and public footpath WG 16/47. If they are unable to and permission is granted, then the local planning authority could potentially be encouraging criminal activity through permitting driving on a public path without lawful authority.

2. General Comments

Any proposed works must not encroach onto the width of the PROW. The following bold text must be included as an informative note on any permission granted:

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure / stopping up/diversion) or other authorisation has come into effect/ been

granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Installing any apparatus within or across the PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing

	<p>drainage arrangements associated with the PROW.</p> <p>If the work involved in carrying out this proposed development would:</p> <ul style="list-style-type: none"> • make a PROW less convenient for continued public use; or • create a hazard to users of a PROW, then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: https://www.somerset.gov.uk/roads-andtransport/apply-for-the-temporary-closure-of-a-right-of-way 	
WESSEX WATER	No objection	No objection
DRAINAGE ENGINEER (LLFA)	This appears to be a minor application and below the LLFA threshold for a response.	No objection is recorded
TREE OFFICER	I didn't object to the earlier application for this one – the current application doesn't look much different so I can confirm no further comment or objection from me.	No objection is recorded
HERITAGE	<p>No comments have been received in relation to the current application. However, the location and design are very similar to that detailed in application reference 49/21/0032. The Heritage comments in that application stated:</p> <p>"Determining Issues and Considerations.</p> <p>The proposals are for an</p>	Knowing the scheme is visually comparable to that detailed in application 49/21/0032, it is considered there is no objection from a heritage perspective, subject to the inclusion of a planning condition.

	<p>additional dwelling to be tied to existing farm which involves the demolition of an outbuilding.</p> <p>I have no objection to the demolition of the pottery barn south of the tithe barn. It is a later addition to the farmstead and is thought to have been built after 1927.</p> <p>Its subsequent alterations including concrete block walls lower its significance. The conversion of the threshing barn has not been discussed and is another option.</p> <p>I have no objections to the new dwelling. It does not strictly follow the courtyard plan however the design and materials is sympathetic to the group and the setting of the listed building. If the case officer is minded to approve the scheme I would recommend a materials condition including windows to be agreed.</p>	
<p>SCC - TRANSPORT DEVELOPMENT GROUP</p>	<p>On the basis this is an agricultural workers dwelling, Standing Advice can applied.</p> <p>Access if via a public footpath, WG 6/47 therefore Rights of Way should be also consulted.</p>	<p>No Objection - Standing Advice</p>
<p>NATURAL ENGLAND</p>	<p>Somerset Levels and Moors Ramsar Site</p> <p>The Somerset Levels & Moors Ramsar Site is in unfavourable condition due to excessive phosphate loading within its</p>	<p>No objection is recorded, subject to a Bio Phosphate Treatment Plant (PTP) being used and secured in perpetuity by way of a Unilateral Undertaking (UU).</p>

	<p>catchment.</p> <p>The submitted nutrient neutrality assessment indicates that the proposed development is able to achieve nutrient neutrality by replacing an existing inefficient PTP and using the resultant credits. This information should enable the LPA to carry out an HRA/AA. Natural England are a statutory consultee at AA stage.</p> <p>We look forward to further consultation on the AA.</p> <p>02.08.2022 - Subsequent Comments:</p> <p>"I have had a look at this and from a phosphates perspective all is acceptable. They are replacing a inefficient PTP with a biological PTP to serve both the existing and new dwelling.</p> <p>It looks like SES ecology are happy with the mitigation also and are producing the HRA.</p> <p>The only thing that will need to be completed is the unilateral undertaking to make sure that the PTP is monitored and maintained correctly."</p>	
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8.6 Internal Consultees the following were consulted:

Consultee	Comment	Officer comment
CIL Officer	<p>The creation of a dwelling is CIL liable regardless of size.</p> <p>This proposed development measures</p>	The proposal would incur a CIL payment requirement were it to be approved.

	<p>approximately 107 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 £13,500.00. With index linking this increases to approximately £19,000.00.</p>	

8.7 Local representations

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

29 number of letters have been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer Comment
None	
Support	Officer comment
Suitable Design	Considered below
Safe Access	Considered below
Appropriate for Open Countryside	Considered below
Phosphates are not an issue	Considered below

8.7.1 Summary of objections - non planning matters

- Restrictive Occupancy ties can be removed

This is not considered material to deliberations, as if the scheme were to be approved with the use tie as requested, to remove that tie would require a further planning application that would be considered on its own merits.

8.7.2 Summary of support - non planning matters

- The applicants are a nice, professional couple

Although complimentary, the character of an applicant (or applicants) is not a material consideration in deliberations.

- Would allow applicants to stay 'local' / provide multi-generation accommodation.

Desires of outcomes are admirable, but applications must be determined against the requirements of policy and the Development Plan.

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:

TDBC Core Strategy:

SD1 – Presumption in favour of sustainable development
CP1 – Climate change,
CP6 – Transport and accessibility,
CP8 – Environment,
DM1 – General requirements,
DM2 – Development in the countryside,
DM4 – Design

TDBC Site allocations and development management plan 2028

H1A – Permanent housing for rural workers,

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

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*

This application is for a new, open-market dwelling in Open Countryside (as defined by policy SP1 of the adopted TDBC Core Strategy).

As such it is subject to policies H1A, DM2 and CP8 which only allow for new dwellings in Open Countryside locations if certain criteria are met, such as for essential rural workers or affordable housing exception sites.

The above listed policies, and the development proposed, are detailed and considered below.

Policy H1A - Permanent housing for rural workers

The proposal has been detailed as an open market dwelling, albeit with a tie for occupation (rural workers' accommodation).

This policy is applicable as the application seeks to tie the occupation to the wider holding (identified as a 4.4-acre farm).

Policy H1A reads:

"New permanent housing for rural workers will only be allowed to support existing activities on well-established units, where:

- A. There is a clearly established existing functional need;*
- B. The need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;*
- C. The unit and the activity concerned have been established for at least three years, has been profitable for at least one of them, are currently financially sound, and has a clear prospect of remaining so;*
- D. The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the local area which is suitable and available for occupation by the workers concerned; and*
- E. Other planning requirements, including definition of domestic curtilage, siting and access, and impact on the countryside, are satisfied."*

In relation to the above, the application has been supported by a 'Site Management Plan - 2022 to 2032' (SMP).

In this instance, the SMP does not identify, or seek to evidence, where there is an established functional need for the development or how development would relate to a full-time worker, or one who is primarily employed in agriculture.

The SMP does not evidence how the activity the tied dwelling is to support has been established for a minimum of three years, and profitable for at least one of them, or that the activity is financially sound and has a clear prospect of remaining so.

The SMP does not evidence how or why the existing dwelling on the unit could not accommodate the applicants, or why no other suitable accommodation for occupation by the workers concerned is not available in the local area (notably the town of Wiveliscombe)

Knowing the above, the scheme does not accord with Policy H1A requirements.

Policy DM2 – Development in the Countryside

Policy DM2 identifies the uses / development types that would be supported in open countryside. The policy states that:

“DEVELOPMENT IN THE COUNTRYSIDE

Outside of defined settlement limits the following uses will be supported:

- 1. Community uses;*
- 2. Class B Business Use;*
- 3. Holiday and Tourism;*
- 4. Agriculture, forestry and related
(a. new non-residential agricultural and forestry buildings commensurate with the role and function of the agricultural or forestry unit; b. farm shops);*
- 5. Replacement Dwellings;*
- 6. Affordable Housing;*
- 7. Conversion of existing buildings;*
- 8. Development for essential utilities infrastructure.”*

The development proposed does not fall within any of the above categories that would be supported by this policy. None of the exceptions allowed under policy DM2 are met within this application. Consequently, the proposal does not accord with the Development Plan.

Paragraph 80 of the National Planning Policy Framework (NPPF)

In addition to Policies DM2 and H1A, paragraph 80 of the National Planning Policy Framework (NPPF) is important. It reads:

“80. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

(a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

(b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

(c) the development would re-use redundant or disused buildings and enhance its

immediate setting;

*(d) the development would involve the subdivision of an existing residential building;
or*

(e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area."

In this case, and as reasoned, the scheme as proposed does not accord with the requirements of points (a) to (e) of para. 80 (it is acknowledged that the design is good, but not one that could qualify as truly outstanding in this case).

CP8 – Environment

Inherent to decision-making are adopted policies within the Development Plan.

The application has suggested that Policy DM2 of the Core Strategy (Development in the Countryside), which would ordinarily be used to determine applications, should not be applicable in this instance, and that consideration of the scheme against Policy CP8 is more appropriate.

This is suggested and reasoned in sections 2.1.3 and 2.1.4 of the Planning Statement. They read:

"2.1.3 We are also aware that in appeal APP/D3315/W/17/3179264 (Appendix 4) the Inspector concluded that:

'15. In terms of the settlement boundary, CS policy DM2 provides that, outside defined settlement limits, certain uses will be supported (not including housing development). However, it does not state that other types of development will be refused. As agreed by the Council the fact that a proposal is not one of the uses specifically supported by the policy does not mean that there is conflict. Other uses should be determined against Policy CP8, which deals with all development.

16. CS policy CP8 applies to all development outside the settlement boundary and is therefore relevant to the appeal proposal. It provides that development outside settlement boundaries will be permitted where a number of criteria are met....'

2.1.4 CP 8 is an environment policy. We feel [the applicant] that the proposals are 'appropriate in terms of scale, siting and design and also fulfil the other criteria, as evidenced on the supporting heritage and ecological information."

Were the above to be accepted, Policy CP8 does need to be considered. In terms of determination, and not detailed in the submission, is the following wording in Policy CP8. That reads:

"Development outside of settlement boundaries will be permitted where it will:

- be in accordance with national, regional and local policies for development within rural areas (including those for protected Natura 2000 and Ramsar sites);"

In this instance, the requirement for development in open countryside to be in accordance with national, regional and local policies is fundamental to determination of the application.

The expectation of Policy CP8 is that development outside settlement boundaries (which is the case here) accords with 'national, regional and local policies for development within rural areas'. Such policies include Policy H1A (Permanent housing for rural workers) and DM2 (Development in the Countryside).

Knowing the above, the scheme does not accord with Policies H1A or DM2 and their requirements, and by default cannot accord with the requirements of Policy CP8 (in that the development would not be in accordance with policies for development in rural areas).

Option of a legally binding occupation tie

It is noted that legal agreements are often used for dwellings with an agricultural tie for occupation however this is not what has been suggested, and as outlined below, would not be appropriate given that neither of the applicants is in specifically rural or agricultural employment and the wider landholding is too small in scale to support such employment.

It appears from the submitted information that the applicants intend to occupy the proposed dwelling as a fully independent dwelling even if with a legal tie limiting occupation and sale/let to that in conjunction with occupation of the main dwelling.

A legal agreement would not change the situation regarding the creation of a stand-alone dwelling, and the suggestion to use this device would add complications to any future use of the land and existing and proposed dwellings, but with no clear planning benefits.

Furthermore, as the tie would not be explicitly for a rural worker (only to tie the occupation to extended family to the main house), it would not meet the requirements of adopted policies.

Town Council Comments

The comments from the Town Council appear to imply that, in their view, the other 'extensive developments' on Grants Lane (near this site) set an acceptable precedent for developments is not supported. Furthermore, no details of such developments have been provided by the Town Council.

From records (to 2015), there have been approvals for a Class Q Change of Use of a barn to house (as allowed by way of the GPDO), and an extension to a garden.

No new build, independent houses have been granted planning permission in close proximity.

Summary

The application does not accord with SADMP policy H1A 'Permanent Housing for

Rural Workers', nor Policies DM2, SP1, CP6 or CP8 or Paragraph 80 of the NPPF.

As such the proposal is not considered acceptable in principle.

10.2.2 Design of the proposal

The design is traditional in its use of materials and comparable to an adapted or converted agricultural building but does not meet the test to be assessed as being truly innovative or exceptional. This is evidenced in the Planning Statement (section 2.29) where it reads:

"The form of the building has been kept relatively simple, which offers benefits in respect of energy efficiency, including that it is more viable to achieve super-insulated, airtight and thermal bridge free construction."

Its design is intended to minimise effect and not detract from the setting of the Listed Building - it is meant to be visually subservient and meld with its surrounds.

It is accepted that the quality of the build could be one that follows and incorporates principles of PassivHaus design and the associated energy savings this could bring.

However, with the deliberately simple form of the building as proposed, although the design and use of materials are considered acceptable, it cannot be argued as being sufficiently innovative or exceptional."

Whilst the design does not form a reason to refuse the application it does not provide a significant reason to go against primary policy considerations in terms of the location of sustainable development or the principle of the scheme and, as such, the application is recommended for refusal.

10.2.3 Quality of Accommodation

The proposed dwelling would provide for independent living, with suitable sized living accommodation. The quality of accommodation is considered acceptable.

10.2.4 Access, Highway Safety and Parking Provision

The scheme is not considered to have a detrimental impact on highway safety or require improved access. In addition, the site has, and would continue to have, sufficient levels of parking to provide for the development proposed.

As per the previous refusal, the site is outside of recognised settlement limits and in a location which is approximately one mile from the nearest settlement of Wiveliscombe, which has a range of services, shops, schools and so forth. The roads towards Wiveliscombe do not have pavement provision or street-lighting in the main so it is considered that the development of a new dwelling in this location would result in a reliance in the use of private cars to access shops and services. This would make for unsustainable travel patterns and be against policy DM2 and transport policy CP6 which requires that developments 'contribute to reducing the need to travel'. By siting a new dwelling outside of a settlement, the proposal would create an increase in trip generation and a greater reliance on use of private cars to access services, and add increased distances to delivery services and similar mobile operations.

The lack of pavements would mean that walking into the nearest settlements would be impractical and potentially dangerous. Therefore whilst there are acknowledged planning benefits in regards to the approach to the building (the fact that the design seeks to incorporate the principles of PassivHaus design and the associated energy savings), on balance these are not considered to outweigh the harm that allowing a new dwelling would create in terms of traffic/trip generation impacts.

10.2.5 *The impact on the character and appearance of the locality*

The site is within the setting of a listed building (and curtilage listed structures).

Heritage aspects are considered below, but with the deliberate low-level finish, and use of materials that would blend with the rural aesthetic, the scheme would not detract from the character of the countryside in this location.

10.2.6 *The impact on neighbouring residential amenity*

Due to distances from neighbouring properties, the scheme would not adversely affect neighbours' amenity (after cessation of construction).

10.2.7 *The impact on trees and landscaping*

The scheme would have no effect on trees and would not require landscaping to mitigate effects of change.

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

The proposed development would have a minimal effect on ecology / biodiversity, and with the use of a Bio PTP to manage phosphate emissions from the site (to be secured by way of a UU), wider impact on the RAMSAR site can be suitably addressed and controlled.

10.2.9 *Waste/Recycling facilities*

The site would have sufficient space to accommodate waste and recycling facilities, of a domestic scale, on site.

10.2.10 *Flood risk and energy efficiency*

The site would have no detrimental effect on, or be at risk from, flooding.

The design is such that it would incorporate and be built to design standards that intend to improve energy efficiency on site.

10.2.11 *Any other matters*

Public Rights of Way (PRoW):

Access to the site follows an established PRoW.

During deliberations, the PRoW Officer has been consulted who has not objected to

the scheme, subject to the inclusion of applicant informatives (if planning permission is to be granted).

10.3 *Heritage impact*

The site is within the setting of a listed building.

In this case, as the scheme is a resubmission of a previously refused proposal (see planning history), comments from the previous scheme are also applicable in this instance (the proposal is not dissimilar).

When considering the setting of a heritage asset, the guidance detailed in the NPPF is relevant (paragraph 19). That reads:

“195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

In this instance, the statutory consultees (qualifying as the ‘necessary expertise’ on heritage matters) stated:

“... the design and materials is sympathetic to the group and the setting of the listed building.”

Knowing the above it is not considered the proposal would be to the detriment of the heritage asset, subject to the inclusion of a planning condition (submission of materials).

11 Local Finance Considerations

11.1 Community Infrastructure Levy

The creation of a dwelling is CIL liable regardless of size.

This proposed development measures approximately 107 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 £13,500.00. With index linking this increases to approximately £19,000.00.

With regards to CIL relief, it has been established that as long as the applicants own the land and intend to occupy the property for a minimum of 3 years from completion date of the property and have not been granted Self Build Relief for any other property, they can submit a claim.

If granted this would be 100% relief, i.e., no CIL payable.

12 Planning balance and conclusion

12.2 For the reasons set out above, and having regard to all the matters raised the proposal conflicts with policies in the development plan. 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

- 1 The proposal, for an open market dwelling (albeit tied) in open countryside cannot be supported in principle as to permit the development would be contrary to the requirements of adopted TDBC Core Strategy Policies DM2 and H1A of the Development Plan, as the scheme would not protect or enhance the quality of the local landscapes,: it would not accord with, or promote sustainable patterns of development ; nor does it represent a use that would be supported outside defined settlement limits.

- 2 The proposed residential development would be on a site in Open Countryside and at a distance from local shops and services. There is no pavement provision and limited opportunities for use of public transport or other sustainable transport modes. Therefore the proposal would be likely to lead to an increased reliance on the use of private cars and the creation of unsustainable patterns of transport which would be against policies CP6, SP1 and DM2 of the adopted TDBC Core Strategy.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council has worked in a positive and creative 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.

