

Application No:	3/30/20/004
Parish	Skilgate
Application Type	Full Planning Permission
Case Officer:	Chris Mitchell
Grid Ref	Easting: 299493 Northing: 127450
Applicant	Mr Barber
Proposal	Erection of 2 No. luxury canvas holiday lodges (resubmission of 3/30/20/002)
Location	Little Haddon Farm, Skilgate to Little Haddon Farm, Skilgate, TA4 2DE

Recommendation

Recommended decision: Refuse

Reasons for refusal:

- 1 The proposal by reason of its siting in an isolated countryside location and without sufficient information to demonstrate that such a new build proposal ought to be allowed as an exception to Policy OC1 in order to benefit existing employment activity already established in the area, would be harmful to the aims of delivering sustainable development contrary to policies OC1, EC9 and EC11 of the adopted West Somerset Local Plan to 2032.

- 2 No ecological survey of the application site has been carried out to establish if there are protected species within the grassland on site and if the proposed parking and paths cause harm. Given the nature of the site and the scale of works, there is insufficient information within the application to demonstrate whether protected species are, or likely to be present on or near the development site and whether the proposed development would affect the protected species. As such the proposal is contrary to Policies DM2 and CP8 of the Taunton Deane Core Strategy, Government circular 2005/06 on biodiversity and geological conservation and Chapter 15 of the National Planning Policy Framework.

Informative notes to applicant

- 1 In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has 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 proposal is for the placement of two luxury canvas holiday lodges (safari style tents) on land called the park to the east of the main farmhouse of Little Haddon Farm. The Lodges would cater for persons with disabilities (including wheelchair users) with associated parking and the planting of hedges to the west of each tent. The tents would be fixed to a timber base with waterproof canvas structure finished in natural colours so as to blend in with the surrounding landscape.

They would measure 5.5m wide by 11m in length and be in cruciform design, some 50 sq.m, with a maximum height of 3.5m. Each lodge will provide an open plan living/dining/kitchen area with wood burning stove, 2 wetrooms and WC's and 2 bedrooms with decked areas to the front and rear.

Off road parking is shown, with access into the site as existing off an unnamed road which splits from the B3190. The parking area would be finished with a Hoggin permeable surface an access track that would also run along the northern boundary of the site with a single parking space to each of the lodges would be a grass matting. The southern boundary would be strengthen with additional planting of 2 Acer campestres, 1 Sorbus aria, Amelanchier lamarckii and 1 Prunus avium. Acer campestre is Field Maple. It's a native tree, often found in hedgerows. It is mid-sized. Sorbus aria is Whitebeam, which is native to many parts of the UK. and a mid-sized tree. Amelanchier lamarckii is Snowy Mespil, an attractive flowering tree which is not a native tree, but is quite commonly planted in gardens. Prunus avium is Wild Cherry, a native tree, potentially quite a large tree.

This application is a resubmission of application 3/30/20/002 which sought permission for 3 luxury canvas holiday lodges, but was refused by decision notice dated 9th October 2020.

Site Description

Little Haddon Farm is located within the open countryside, to the east of the small village of Skilgate, near to the boundary of Exmoor National Park which lies to the west. There is a watercourse running through the site north-south with the land sloping up on either side. From the main entrance to the site, the land slopes gently up to the north with the north part of the site affording attractive long range views to the south. The nearest neighbour is a dwelling house beyond the northern boundary of the site. The site comprises a detached farm house and various outbuildings set within 18 acres of pastureland. The site is separated into seven distinct areas as follows:

1. The Farm Yard - currently accommodating the existing farm house (the

applicant's home), site of the former Dairy (partially demolished) and a number of other outbuildings

2. The Orchard - proposed to accommodate the kitchen garden and free range chicken area
3. Linney-Piece - 6 acre field, intended to be used for grazing sheep and horses.
4. Cross-Piece - 5 acre field, intended to be used for grazing sheep and horses
5. Great Meadow - 3 acre meadow
6. Park - 1 acre paddock to accommodate 2 x safari lodge, (subject of this application)
7. Homefield - 1 acre paddock used for grazing.

The site falls within Flood Zone 1. There are no listed buildings or other heritage assets on, or nearby, the site.

The applicant currently has 47 sheep, 2 pigs, 4 geese and 8 chickens and later this year lambs will be sold as meat boxes. The applicant has confirmed that they are currently farming a total land area around 6.73 hectares.

Previous Committee

The application was presented at the Planning Committee on 20 May 2021. The application was deferred by Members as the officer report did not contain an assessment of the Business Plan that was submitted in support of the application. The Committee requested that this should be included in an updated report. Officers have now included details of the Business Plan submitted to support the development of two glamping tents for persons with a disability.

Relevant Planning History

3/30/20/002 – Erection of 3 No. luxury canvas holiday lodges set within two private paddocks at Little Haddon Farm – Refused by decision notice dated 9th October 2020, for two reasons -

(1). The proposal by reason of its siting in an isolated countryside location and without sufficient information to demonstrate that such a new build proposal ought to be exceptionally allowed as required by Policy OC1 to benefit existing employment activity already established in the area, would be harmful to the aims of delivering sustainable development contrary to policy OC1 of the West Somerset Local Plan to 2032

(2) When considered cumulatively, the proposed lodges by reason of their overall size, scale, residential appearance, decking areas and associated paraphernalia would result in incongruous and discordant features in the open countryside location and would be conspicuous as having an urbanising effect on this open area of land which would change the landscape character to a more urban form, introducing development into an area where the landscape dominates which would be detrimental to and adversely affect the visual amenity of the area. The proposal would cause harm to the landscape character and appearance of this open countryside area, failing to conserve and make a positive contribution to the character of the open countryside. As such the proposed development would be

contrary to policies OC1, EC9 and NH13 of the West Somerset Local Plan to 2032

A pre-application enquiry for the conversion of an old building at the site into accommodation was considered under reference **Pre/30/19/001**. The case officer concluded that the original building was largely dilapidated and not capable of conversion without substantial structural rebuild. Therefore, it would not, in policy terms, come under the accepted view of a conversion of an existing, traditionally constructed building.

Consultation Responses

Skilgate Parish Council -

Stated that they are broadly supportive of this application and had not received any adverse comment..

Highways Development Control -

The proposed site lies off a classified unnamed road in a derestricted area. Access would be via an existing field gate where it is presumed would still be used by agricultural vehicles for internal maintenance purposes. In terms of vehicle impact on the local highway network considering the proposal would be seasonal, likely to be outside the daily peak times and modest in terms of daily vehicle movements when in use, the Highway Authority do not view this application as likely to have a severe impact on the local highway network. The proposal would see a material increase in vehicle movements from the access. However the applicant states the proposed access has unrestricted visibility although this has not been clarified or demonstrated through a suitable scaled drawing that this has been considered in line with appropriate design guidance.

Manual For Streets would be appropriate. There would appear scope to provide improved visibility splays if required. The applicant firstly demonstrates suitable visibility splays can be achieved from the access proposed onto both the immediate and secondary road (given the proximity of the access) and in line with Manual For Streets that can then be secured through condition.

Landscape -

Original comments dated 11/02/2020 -

I have four main concerns which are:

- The access and car parking needs to be carefully considered so as not to impact on the rural character of the area. I recommend keeping the cars as close to the entrance as possible rather than adjacent to the tents, and using a hoggin type permeable surface to reduce run-off and wider visual impacts.
- The existing hedgerow is thin in several places and needs thickening with local native species where required. I would also recommend a hedgerow management condition to ensure that the hedgerow is managed and maintained to provide at least 2.5m height with trees singled out within the

hedgerow to provide longer term screening and to help integrate the proposals into the local area.

- The tents are likely to be most visible during the winter months so I would recommend them be limited from March to end of October.
- Any further 'domestic' type features such as washing lines and decking should be limited and if possible controlled through planning condition.

Subject to the above I consider that the two tents would meet the requirements of relevant landscape policies in maintaining the landscape character of the area.

Further comments dated 17/05/21 -

The landscape plan is wrong when it says scale 1:5000. I recommend only locally native trees in this area so I recommend that the Amelanchier is replaced with Acer campestre and the Sorbus aria with Sorbus aucuparia.

Given the importance of the hedgerow in providing shelter and screening to the site it is important that a hedgerow management plan showing how the existing hedgerows will be managed over the next 20 years is produced. I suggest that this can be done by condition such as:

The native species boundary hedges provide both ecological and landscape benefits that are essential for the scheme to meet the requirements of Policy CP8. To maintain those benefits the applicants will undertake an assessment of the existing hedgerow and from that assessment produce a 20 year management plan that encourages greater diversity of species along with favouring larger growing tree species as maiden trees. The plan will show how through management and maintenance the hedgerow can provide longer term visual screening of the proposed development as well as increasing its biodiversity interest. The landscape and ecological management plan will be produced and approved before development commences on site and recommendations within it implemented in a timely fashion.

Wessex Water Authority -
No comments received

Tree Officer -
No comments received

SCC - Ecologist -
Holding objection dated 15th June received after the Committee Presentation

From the site layout plan I'm concerned on the impacts of vehicle access across the grassland to reach the proposed parking locations particularly if visitors would need to drive alongside hedgerows.

There is no ecology report to support this application. The applicant will be required to commission a Preliminary Ecological Appraisal, which may recommend further surveys and mitigation, as required. Surveys shall be undertaken in accordance

with

nationally recognised guidelines (BS 42020:2013 Biodiversity - Code of practice for planning and development and CIEEMs Guidelines for Preliminary Ecological Appraisal 2017, with the Ecologist being a member of the Chartered Institute for Ecology and Environmental Management (CIEEM).

This action is required in line with:

Section 99 of the Government circular 2005/06 on biodiversity and geological conservation states that 'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.' The Government circular 2005/06 on biodiversity and geological conservation states that 'Use of planning conditions to secure ecological surveys after planning permission has been granted should only be applied in exceptional circumstances Natural England advice requires that all developments likely to affect European Protected Species should have surveys carried out to inform the planning decision. They cannot be conditioned. This was confirmed in case law through Woolley v Cheshire East Borough Council and Millennium Estates Limited in 2009. Establishing presence of/implications upon protected species/habitats in the National Planning Policy Guidance (NPPG)

(<https://www.gov.uk/guidance/natural-environment#biodiversity-andecosystems> and Standing Advice/Gov.uk

Guidance <https://www.gov.uk/guidance/protected-species-how-to-reviewplanning-applications#when-applicants-need-a-species-survey>

Habitats Regulations Assessment

Not Applicable.

Representations Received

Original proposal -

There have been 5 letters of support to the application stating the following:

- This proposal will provide people with disabilities to have holiday within the countryside;
- This accommodation will provide economic benefit for the local area supporting local pub and other small business within the area;
- It will have no negative impact upon neighbours;
- Traffic impact and highway safety is negligible.

Revised proposal -

There has been 1 letter of support to this application stating the following:

- Support the proposal for a unique holiday opportunity for persons with

- mobility impairments;
- There are no other accommodation facilities as proposed within Devon and Cornwall.

There have been no further comments to the application following the presentation to Committee on 20th May 2020.

Cllr Mansell – Ward Member – supports the application

- This is a small specialist glamping site in a secluded part of Little Haddon Farm;
- It will provide seasonal accommodation designed for persons using wheelchairs;
- There will be minimal impact upon the local landscape and highways;
- It is compliant with Policy EC9 (Tourism) on tourism outside settlements and is essential to the business and does not affect neighbouring settlements and complements existing tourism within the area.

Planning Policy Context

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

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

OC1	Open Countryside development
EC9	Tourism outside settlements
EC11	Agriculture
CF1	Maximising access to recreational facilities
NH13	Securing high standards of design
SC1	Hierarchy of settlements
EC1	Widening and strengthening the local economy
DM/1	Mixed-Use Development
TR2	Reducing reliance on the private car

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

OC1	Open Countryside development
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EC9	Tourism outside settlements
EC11	Agriculture
CF1	Maximising access to recreational facilities
NH13	Securing high standards of design
SC1	Hierarchy of settlements
EC1	Widening and strengthening the local economy
DM/1	Mixed-Use Development
TR2	Reducing reliance on the private car

T/7 Non-Residential Development Car Parking

Community Infrastructure Levy

The proposal is not liable for CIL.

Determining issues and considerations

Local Plan policy.

The key considerations are whether the proposed development complies with the West Somerset Local Plan. The two key policies are policy EC11 (Agriculture - Farm Diversification) and policy OC1 (Open Countryside Development).

Policy EC11 (Agriculture – Farm Diversification) states that development proposals for farm diversification which help to support the agricultural economy will be supported where it does not conflict with sustainability considerations. This policy has been referenced by the agent within their business plan which provides details of the size of the farm. This consists of some 6.73ha (some 18 acres) of land, with the applicant currently operating with 47 sheep grazing, 2 pigs, 4 geese and 8 chickens. The business plan has been considered but in officers' opinion it does not sufficient evidence that these glamping tents are required to support the existing farming business as part of farm diversification and provide sufficient justification that it does not conflict with sustainability considerations.

There is no definition how much land and number of animals are required for it to be defined as a Farm and it is therefore a judgement that each Local Planning Authority (LPA) has to make and in assessing each case on its merits. In general it is considered that a Farm should be a business that is large enough to support the primary livelihood of persons managing land and animals without the need for supplementary income. Having considered this case in respect of the amount of land managed by the applicant and the number of animals on the land, it is the LPA view that the business is not sufficient of sufficient scale to be classed as a large-scale farm, but is more akin to a small holding.

This farm business is therefore not classed as a large-scale farm which Policy EC11 (Agriculture) was designed to be judged against for additional revenue to be

generated to support agricultural businesses. Consequently, the proposed development does not comply with the aims of the policy.

Whilst other sites within the local area may have had approved similar rural tourism, Somerset West and Taunton Council has declared a 'Climate Emergency' with implications ranging across all the Council work areas. In response, Strategic Planning colleagues have produced a Carbon Neutrality and Climate Resilience (CNCR) Plan which notes that isolated rural locations are highly dependent upon the private motorcar.

The site is a farm located outside of recognised settlement limits so policies OC1 (Open Countryside developments), EC9 (Tourism outside of settlements) and TR2 (Reducing the Reliance on Private Cars) are relevant. The site is within the open countryside which includes all land outside of existing settlements, where development is not generally appropriate. In exceptional circumstances, development may be permitted where this is beneficial for the community and local economy.

Policy OC1 makes clear that development in the open countryside (land not adjacent or in close proximity to the major settlements, primary and secondary villages) will only be permitted where it can be demonstrated that either:

- Such a location is essential for a rural worker engaged in e.g: Agricultural, Forestry, Horticulture, Equestrian or Hunting employment, or;
- It is provided through the conversion of existing, traditionally constructed buildings in association with employment or tourism purposes as part of a work/live development, or;
- It is new-build to benefit existing employment activity already established in the area that could not be easily accommodated within or adjoining a nearby settlement identified in policy SC1, or;
- It meets an ongoing identified local need for affordable housing in the nearby settlement which cannot be met within or closer to the settlement, or;
- It is an affordable housing exceptions scheme adjacent to, or in close proximity to, a settlement in the open countryside permit.

As set out above the Business Plan details that the applicants are employed with farming in the local area with 18 acres (6.73 Ha) of pastureland and farm sheep, pigs, chickens and geese and haylage divided into 7 areas. The land holding and number of animals farmed are not sufficient to be considered to constitute a farm but it is more akin to a small holding. In respect of bullet point 3 of Policy OC1, whilst the proposal does benefit existing employment activity already established in the area and a case has been made to demonstrate that the proposed development could not be easily accommodated within or adjoining a nearby settlement identified in policy SC1. Officers do not agree that the proposal would be an overriding reason to approve this application under Policy EC11 (Agriculture) as the associated business is as detailed previously a small holding of some 7.3ha (18 Acres) not a proper farm due to its size. Consequently, the land holding would not be of sufficient size to be considered for farm diversification as detailed previously in this report.

The proposal does not satisfy any of the criteria under Policy OC1 (as listed above).

Bullet points 1, 2, 4 and 5 are not applicable to this proposal. The proposal is therefore contrary to policy OC1 of the adopted Local Plan.

Policy OC1 has a general presumption against new residential development in open countryside locations, noting that "dispersed development disproportionately increases transport demand which can usually only be fulfilled by use of the private car. The local road network is largely composed of single-lane country roads.

On balance, it is considered that the business plan submitted to support the proposed farm diversification does not meet policy EC11 and it is considered that the proposed development is contrary to policy OC1 as it would result in new development in the countryside.

Policy TR2 that seeks to reduce reliance upon the private car. As no public transport options are available to access the site it is considered very likely that any new holiday accommodation would necessitate a reliance on the use of the private car and as such the location is considered to be unsustainable. There is therefore an in principle conflict with the proposal as per policy OC1.

POLICY EC9 (Tourism outside of settlements), identifies that tourism development outside settlements will only be supported where it can be demonstrated that –

- The proposed location is essential to the business and that it could not be located elsewhere, and;
- It does not adversely affect the vitality and viability of the neighbouring settlements, and;
- It complements existing tourism service and facility provision in neighbouring settlements and surrounding area without generating new unsustainable transport patterns.

Currently the farming is limited 47 sheep grazing on pasture land of which the applicants have 6.73 Ha (18 acres) and keeping 2 pigs, 4 geese and 8 chickens. There are no other farm diversification activities at the site (see above for land uses). The application does not satisfy the criteria of Policy EC9. Being located outside a settlement, it is not essential to the functioning of the remainder of the land. The policy seeks to allow for the provision of additional tourist attractions outside existing settlements subject to environmental and viability safeguards. Whilst it is detailed within the business plan that there is a need for holiday accommodation for persons with a disability as the site is located close to Wimbleball Lake who are providing water activities, this is not an overriding reason to allow such development in the countryside where it could be provided in neighbouring settlements. It is therefore considered that the proposal does not meet the requirements of policy EC9.

Whilst para 83 of the National Planning Policy Framework (NPPF) encourages sustainable growth and expansion of all types of business in rural areas and diversification of agricultural land as stated previously this business is not classed to be a farm.

Evidence has been submitted with the application that there is a genuine need for

holiday accommodation for persons with a disability within England and development would also provide additional employment to the local economy, with occupiers visiting local attractions, spending money in shops, restaurants, etc. Consequently, the argument put forward that the proposed glamping tents should be considered under the Policy EC11 Farm Diversification. As previously stated, officers do not consider the business to be a large farm it is a small holding and therefore it cannot be considered under this policy.

The proposal if permitted would set a dangerous precedent for such a use within the countryside that fails to comply with the Local Plan policies and with the NPPF.

Therefore the application fails to comply with policies OC1, TR2, EC9 and EC11 of the Somerset West Local Plan.

Landscape Impact

The application for 2 lodges consists of a timber base with canvas walls and waterproof canvas roof. It is proposed that they are used seasonally, with the canvas being put away in the off-season, and the base remaining in situ until the following season. The lodges would be placed on the site from March to November each calendar year. The field around each lodge would be used for horse grazing, for parties bringing their horses with them and then revert to grazing land in the off-season. This is claimed by the applicant to have a lower impact than a permanent structure, and it would be capable of being removed quickly.

The Landscape Officer has identified that the landscape plan has been submitted to an inaccurate scale and also that native trees should be planted with the Amelanchier replacement with *Acer campestre* and the *Sorbus aria* with *Sorbus aucuparia*. The agent has submitted a revised plan with correct scale and amended the proposed tree planting as recommended by the Landscape Officer. The Landscape Officer also recommends that if approval is granted, a hedgerow management plan should be produced, showing how the existing hedgerows will be managed over the next 20 years. This could be achieved by condition such as:

"Prior to development commencing, a hedgerow management plan shall be produced, detailing the existing hedgerows to be managed over the next 20 years. To maintain those benefits the applicants will undertake an assessment of the existing hedgerow and from that assessment produce a 20 year management plan that encourages greater diversity of species along with favouring larger growing tree species as maiden trees. The plan will show how, through management and maintenance, the hedgerow can provide longer term visual screening of the proposed development, as well as increasing its biodiversity interest. Once agreed the planting as recommended shall be undertaken within the first available planting season and maintained thereafter in accordance with the approved management plan".

The proposed use of grass matting and Hoggin permeable surface would ensure that when the lodges are removed from the land it would turn back to an agricultural field.

All of these factors are considered acceptable and enable the removal of the previous objection on landscape grounds. The previous concerns of officers have now been addressed. Consequently, the previous landscape objection is removed. It is recommended that the above referenced condition should be placed on any permission granted.

Ecology

The County Ecologist has issued a late holding objection to the proposal. The Ecologist is concerned regarding the impacts of vehicle access across the grassland to reach the proposed parking locations particularly if visitors would need to drive alongside hedgerows. There has been no ecology report to support this application. The applicant will be required to commission a Preliminary Ecological Appraisal (PEA), which may recommend further surveys and mitigation, as required.

It is recommended that a further reason for refusal is added to the recommendation as whilst officers consider that this issue could be addressed through the submission of a PEA, one has not been submitted yet and in order to protect biodiversity, a PEA should be undertaken.

Highways

The proposed access to all the lodges is via the existing gate. In terms of vehicle impact on the local highway network, given the seasonal use of the lodges, it is unlikely to have a significant harmful impact on local traffic generation. Adequate visibility splays could be provided by condition if approval were to be granted. However, concern is raised to the remote location of this site and the limited access via narrow winding lanes that would make a preferable location of a tourist facility.

Drainage and Utilities

Surface water drainage would be dealt with by way of a soakaway and foul drainage by means of a septic tank.

Conclusions

In conclusion, officers consider the proposed development to be in conflict with policy OC1 and it does not meet the criteria of policy EC11. The proposal would result in new development in an open countryside location which is contrary to planning policy. This would generate unsustainable travel patterns in a remote location with only single lane public highways to access the site. The submitted business case does not in officers' opinion provide sufficient evidence or an overriding argument to support a departure from adopted local plan policies giving reasons for the proposed location. Accordingly it is considered that the proposed development cannot be supported in its current form and is recommended for refusal on the basis that it does not accord with policy OC1 which seeks to protect the countryside. The submitted business case does not meet policy EC11 and therefore, it is recommended that this planning application is refused.

In preparing this report the planning officer has considered fully the implications and

requirements of the Human Rights Act 1998.

Contact Officer: Mr C Mitchell



