

Application Details	
Application Reference Number:	16/22/0003
Application Type:	Retention of Building/Works etc.
Earliest decision date:	05 August 2022
Expiry Date	09 September 2022
Extension of time	31 October 2022
Decision Level	Committee
Description:	Installation of solar panels, extension of patio area and implementation of water treatment plant at Warrs Farm, Glastonbury Road, Durston (retention of part works already undertaken) (resubmission of 16/22/0002)
Site Address:	WARRS FARM, GLASTONBURY ROAD, DURSTON, TAUNTON, TA3 5AG
Parish:	16
Conservation Area:	
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	No
Case Officer:	Mr G Clifford
Agent:	
Applicant:	MR D FOSTER
Committee Date:	
Reason for reporting application to Committee	Objections received from Parish Council and over four comments received contrary to officer recommendation.

1. Recommendation

1.1 That permission be GRANTED subject to conditions.

2. Executive Summary of key reasons for recommendation

2.1 The use of land for the siting of solar panels is considered acceptable and not to harm the landscape or amenity of the area, nor does the treatment plant in the garden while the provision of a patio is considered permitted development. The proposal is considered to comply with policies CP1, CP8 and DM1.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

Time limit

In accordance with approved plans

Reptile mitigation

Log pile
Landscaping
Hedge protection
Track details

3.2 Informatives (bullet point only)

3.2.1 Proactive Statement

3.3 Obligations

None

4. Proposed development, site and surroundings

4.1 Details of proposal

The proposal is to install an area of ground mounted photo-voltaic panels (6 rows of ten) to provide energy for the domestic property at Warrs Farmhouse, together with the formation of a garden patio and retention of an installed treatment plant. A change of use of the field to equestrian use was originally proposed but has been deleted from the application.

4.2 Sites and surroundings

Warrs Farm (or Farmhouse) is a detached mid 17th Century dwelling that is an integral part of Durston, which is a relatively linear settlement on the A361. Warrs Farm is a non designated heritage asset as a whole where this Council will encourage the retention and protection of special historic buildings and features. Durston is not identified as a sustainable settlement, but is nonetheless a small village located on the A361 with bus routes and good road access to Taunton, Bridgwater and the M5, all just a few miles away. The site of the solar panels is a corner of a grass field sited to the north of the farmhouse and curtilage. Access is via a shared drive to the east which serves two older barn conversions of the original farm.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
16/88/0005	CONVERSION OF BARN TO DWELLING AND TWO DOUBLE GARAGES ADJACENT TO WARRS FARMHOUSE, DURSTON	CA	13/4/89
16/22/0002	COU to equestrian field, Solar PV, Stables and Patio	WD	1/7/22
E/0232/16/21	Enforcement change of use	Application submitted	21/12/21

6. Environmental Impact Assessment

Due to the scale, nature and location of the development, the proposals do not require an EIA.

7. Habitats Regulations Assessment

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. The development does not increase the number of dwellings and the solar panels have no phosphate implications. As competent authority it is considered that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that the proposed development does not increase nutrient loadings at the catchment's waste water treatment works. The Council is satisfied that there will be no additional impact on the Ramsar site (either alone or in combination with other plans or projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

8. Consultation and Representations

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

8.1 Date of consultation: 15 July 2022

8.2 Date of revised consultation (if applicable): 12 August 2022

8.3 Press Date:

8.4 Site Notice Date: 22 July 2022

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

Consultee	Comment	Officer Comment
DURSTON PARISH COUNCIL	Objects Parking on shared drive Impact of solar panel units Impact on aircraft safety Use of shipping container and boundary disputes	See 10.2.3 See 10.2.4 See 10.2.1 See 10.2.8
SCC - ECOLOGY	Recommend conditions re protection of hedgerows, reptile mitigation, log pile and landscape condition to include willflower planting	See 10.2.6
SCC - RIGHTS OF WAY	No comment	
SCC - TRANSPORT DEVELOPMENT GROUP	None of the works now proposed will lead to any	See 10.2.3

	intensification in the use of the existing access post construction and nor will they impact on the existing parking, turning and access arrangements for the applicant's property or neighbouring properties. For the above reasons the Highway Authority has no objection or further recommendations to make in regard to this amended scheme.	
WESSEX WATER	No comment received	
LANDSCAPE	No objection, subject to conditions that require the submission of landscape proposals in regard to the hedge details.	See 10.2.1
PLANNING ENFORCEMENT	No comment	

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

Consultee	Comment	Officer comment

8.7 Local representations

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

6 letters have been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer Comment
Traffic/road safety due to equestrian use and acreage insufficient to keep horses	Use deleted from submission
Siting of panels away from house	See para 10.2.1
Precedent	See para 10.2.8
Increase in traffic	See para 10.2.3
Query over suitability of the ecology assessment	See 10.2.6
	See 10.2.8

Caravan, storage container and summer house on agricultural land.	
Support	Officer comment

8.7.1 Summary of objections - non planning matters

Land ownership dispute

Concern for culverts under road

Name of the property

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:

CP1 - Climate change,

CP8 - Environment,

DM1 - General requirements,

DM2 - Development in the countryside,

A1 - Parking Requirements,

ENV1 - Protection of trees, woodland, orchards and hedgerows,

ENV2 - Tree planting within new developments,

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).

Neighbourhood plans:

None

9.1 National Planning Policy Framework

Sections 4, 14 and 15

10. Material Planning Considerations

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

10.2.1 The principle of development

The main issue is the impact of the small scale solar panel array on the landscape character of the area. The principle is accepted under Climate Change policy CP1 which supports such schemes provided their impacts can be assimilated into the landscape. Concern has been raised that the solar panels should be nearer the house. However the site has been selected as a northern corner of the existing field so the 6 rows of ten panels can be suitably screened and do not cause undue impact on the character of the area and are considered to comply with policy DM1. The scale of the site is not such that it has to be consulted on and it is not considered to have an impact on aircraft safety. The proposed site is supported by the Landscape Officer subject to a condition regarding the new hedging which is part of the recommendation.

10.2.2 Design of the proposal

The other elements of the submission include a treatment plant and a patio. The latter would extend from the house into the side garden and is considered to be permitted development while the treatment plant is already installed underground, serving the existing dwelling and links to an existing outflow, all of which is governed by separate legislation.

10.2.3 Access, Highway Safety and Parking Provision

The development proposes no changes to the access or parking/turning area and the change of use to equestrian has been deleted from the proposal and it is not therefore considered the development would impact on traffic using the site. In light of the Highway Authority comments there is no objection to the proposal from a Highways viewpoint. The concern over parking on a shared drive is a civil matter and not something that can be controlled from a planning perspective.

10.2.4 The impact on the character and appearance of the locality

The proposed site of the solar panels is in a discrete corner of the existing field and will be screened by a new hedge. A maintenance track will be provided and this can take the form of two tyre tracks running around the boundary of the field. A condition to control the nature of the surfacing and material is proposed and the impact of the scheme on the character of the area is considered limited, in accordance with policy DM1 and is acceptable. The new treatment plant is already within the garden and underground and is not considered to impact on the character and appearance of the property. The works are not considered to harm the setting of the non designated heritage asset.

10.2.5 The impact on neighbouring residential amenity

The proposed development is not considered to have an adverse impact on the residential amenity of neighbours given the nature and siting of the works and proposed conditions.

10.2.6 The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site

The development will not adversely impact on any trees or shrubs and a preliminary ecological appraisal has been carried out. The County Ecologist has recommended conditions to safeguard wildlife in accordance with policy CP8 and as well as securing enhancements to biodiversity on site, through planting and a wood pile and these elements are conditioned as part of the recommendation. The new treatment plant serves the existing dwelling and is not considered to increase phosphate impacts within the catchment and can be screened out from needing an Appropriate Assessment.

10.2.7 Flood risk and energy efficiency

The site does not lie in a flood risk area and the treatment plant relates to an existing dwelling and will not increase outflows from the site and is governed by other legislation. The development will provide additional sustainable electricity to the site thus improving energy efficiency.

10.2.8 Any other matters

The provision of the development is not considered to give rise to precedent for other development given that each application has to be considered on its merits. There is a land ownership dispute in respect of the site, however this is a civil matter and does not have a bearing on the principle of the works proposed which are within the applicant's ownership. The name of the property is the responsibility of the owner and is not a planning matter. The application area has been clearly identified. The shipping container is to be retained for storage and is not considered to be detrimental to the area nor is the summerhouse and caravan on the land identified as curtilage. The road culverts are not considered to be impacted by the development as any outflow from the site will not increase as a result.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

N/a

12 Planning balance and conclusion

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "*clear reason for refusing the development proposed*" or where the benefits of the proposed development are "*significantly and demonstrably*" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole. The provision of solar panels as proposed is considered to comply with policy, not to harm amenity and there are considered to be no adverse impacts which would outweigh these considerations. The same can be said for the treatment plant and patio.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions.

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

Appendix 1 – Planning conditions and Informatives/ Reason/s for refusal

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A3) DrNo 22 352 S01 05 Existing Site Sections
(A3) DrNo 22 352 S01 02 Existing Site Location Plan
(A2) DrNo 22 352 S02 01 Rev A Proposed Location Plan
(A2) DrNo 22 352 S03 01 Rev B Proposed Location Plan Solar
(A3) DrNo 22 352 S03 02 Rev A Proposed Solar & Patio Block Plan
(A3) DrNo 22 352 S03 03 Proposed Solar Elevations

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

3. No works, including vegetative clearance and ground works in association with the solar panel installation, shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed reptile mitigation strategy. The detailed reptile mitigation strategy shall include details of:

- a) the proposed construction working practices to avoid harming reptiles
- b) details of proposed Location, to accommodate any reptiles discovered during works
- c) the timing of works to minimise the impact on reptiles

The development shall thereafter be carried out in accordance with the approved mitigation strategy and shall be permanently retained in accordance with the approved details.

Reason: This pre-commencement condition must be a pre-commencement condition because an agreed scheme and programme of mitigation needs to be in place before any works start on site given the presence of legally protected species.

4. The following will be incorporated into the site proposal with photographs of the installed features submitted to the Local Planning Authority prior to first electricity production:
- 1x log pile as a resting place for reptiles and or amphibians

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework.

5. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to such a scheme being implemented. The scheme shall include hedge and wildflower planting with details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season (1 October to 31 March) from the date of commencement of the development. Written confirmation of the completion of the landscaping scheme shall be submitted to the Local Planning Authority.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow or are uprooted shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

6. i) Before solar panel development commences (including site clearance and any other preparatory works) a scheme for the protection of hedges to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012.
- ii) Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected.
- iii) It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

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

Reason for pre-commencement: To ensure wildlife protection during development.

7. Details of the maintenance track materials and surfacing area and cable runs shall be submitted to and approved by the Local Planning Authority prior to their being laid.

Reason: In the interests of the amenity of the area.

Notes to applicant.

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