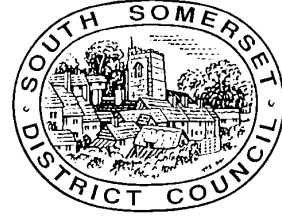


South Somerset District Council

Notice of Meeting



Area East Committee

Making a difference where it counts

Wednesday 8th November 2017

9.00 am

**Council Offices, Churchfield,
Wincanton BA9 9AG**

(Disabled access and a hearing loop are available at this meeting venue)



The following members are requested to attend this meeting:

Mike Beech
Hayward Burt
Tony Capozzoli
Nick Colbert

Sarah Dyke
Anna Groskop
Henry Hobhouse
Mike Lewis

David Norris
William Wallace
Nick Weeks
Colin Winder

Consideration of planning applications will commence no earlier than **10.30am**.

For further information on the items to be discussed, please contact the Democratic Services Officer on 01935 462038 or democracy@southsomerset.gov.uk

This Agenda was issued on Tuesday 31 October 2017.

Ian Clarke, Director (Support Services)

This information is also available on our website
www.southsomerset.gov.uk and via the mod.gov app



Information for the Public

The council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by area committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. The council’s Executive Forward Plan can be viewed online for details of executive/key decisions which are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At area committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the area committee chairman’s discretion, members of the public are permitted to speak for up to up to three minutes on agenda items; and
- see agenda reports

Meetings of the Area East Committee are held monthly, usually at 9.00am, on the second Wednesday of the month in the Council Offices, Churchfield, Wincanton (unless specified otherwise).

Agendas and minutes of meetings are published on the council’s website
www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for ‘mod.gov’ in the app store for your device, install, and select ‘South Somerset’ from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

Public participation at committees

Public question time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the Chairman of the Committee. Each individual speaker shall be restricted to a total of three minutes.

Planning applications

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered.

Comments should be confined to additional information or issues, which have not been fully covered in the officer’s report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should

also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to three minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant and/or Agent
- District Council Ward Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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Area East Committee

Wednesday 8 November 2017

Agenda

Preliminary Items

1. Minutes of Previous Meeting

To approve as a correct record the minutes of the previous meeting held on Wednesday 11th October 2017.

2. Apologies for absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

Planning Applications Referred to the Regulation Committee

The following members of this Committee are also members of the Council's Regulation Committee:

Councillors Sarah Dyke, Tony Capozzoli, Nick Weeks and Colin Winder.

Where planning applications are referred by this Committee to the Regulation Committee for determination, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

4. Date of Next Meeting

Members are asked to note that the next scheduled meeting of the committee will be at the Council Offices, Churchfield, Wincanton on Wednesday 6th December at 9.00am.

5. Public Question Time

6. Chairman Announcements

7. Reports from Members

Items for Discussion

- 8. Area East Neighbourhood Policing Update** (Page 6)
- 9. Regeneration - Interim Update** (Pages 7 - 12)
- 10. Area East Committee Forward Plan** (Pages 13 - 14)
- 11. Planning Appeals (For Information Only)** (Pages 15 - 39)
- 12. Schedule of Planning Applications to be Determined by Committee** (Pages 40 - 42)
- 13. 17/03158/OUT - Land OS 1394 Sparkford Road, South Barrow** (Pages 43 - 50)
- 14. 17/02045/FUL - Land at Long Hazel Farm, High Street, Sparkford** (Pages 51 - 62)
- 15. 17/02044/FUL - Land at Long Hazel Farm, High Street, Sparkford** (Pages 63 - 73)

Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.

This does not apply to decisions taken on planning applications.

Agenda Item 8

Area East Neighbourhood Policing Update

Representatives from Avon and Somerset Police will attend Area East Committee to provide a brief verbal update on local policing matters for the area.

Agenda Item 9

Regeneration – Interim update

Assistant Director: Helen Rutter, Communities
Service Manager: Tim Cook, Area Development Team Lead (East)
Lead Officer: Pam Williams, Neighbourhood Development Officer, East
Contact Details: pam.williams@southsomerset.gov.uk or 01963 435020

Purpose of the Report

To provide an overview of our regeneration work and initiatives from other agencies

Public Interest

Supporting and helping the economy in the towns and villages across Area East.

Recommendations:

- (1) To note and comment on the report

Key work strands

The report endeavours to pull together the various regenerative initiatives both from within Area East, corporately across SSDC and those which are led by other agencies and over which our influence is more limited.

Work within Area East Development Team

Retail Support Initiative

This long established scheme provides grants of up to £1,500 (£2,500 in Wincanton) to assist with improvements such as re-decoration/signing to the front of their retail premises including village stores and farm shops. Members received the annual report on this popular scheme in July, in which we reported that five awards were made during 2016/17. Since April a further five awards have been made with businesses in Bruton, Castle Cary and Wincanton benefiting. There is also 'pipeline' interest from a number of prospective applicants. A full report and detailed breakdown of the scheme's operation for the year will be provided in May 2018.

State of the High Street

As the role of the High Street has continued to change with the growth in 'e' business and the loss of critical services such as banks, we've continued a programme of monitoring. The programme comprises:

- Quarterly counts of car park use across three time bands in each car park provide a 'snapshot' of use on the monitoring day but this has allowed us to build up a picture of use trends, graph attached at appendix 1
- Recording the number of empty town centre units and the period vacant

As with the Retail Support Initiative, this information is reported annually (last in July 2017). Whilst not providing a visible outcome it is extremely useful data, helping us to provide more meaningful responses to planning and other consultations. **Attached at Appendix 1 is the most recent car park monitoring report**

Workspace Demand Study

This work commenced at the end of 2016 and was reported to Members in March 2017. It was commissioned to improve understanding of the demand for workspace in Area East. Approximately 2000 businesses were approached by Cognisant Research who was appointed to undertake the work on our behalf, with just under 400 businesses responding to the survey. Around 60% of respondents were small businesses employing four or less people with the majority expecting staffing levels over the next 12 months to either stay the same or grow. Encouragingly, approximately 20% of the respondent businesses expected to require additional accommodation within the next five years. The report has been made available to local businesses to support investment proposals.

Business Event

A verbal update will be given to the meeting about the event which was held at Haynes Motor museum on Thursday 2 November

Wincanton Town Centre

There has been a long standing item within the Area Development Plan to investigate options to boost footfall in the town centre. At the request of Members, this work has now been prioritised and a small group of Members and officers are working towards taking a proposal to Regeneration Board on 29th November.

Specific, responsive work has been undertaken in conjunction with Property Services to facilitate the use of Memorial Hall Car Park by the mobile banks

Another Area East funded project, which has been undertaken in conjunction with Property Services, was the return of 'the lamp' to the Market Place in October.

Market Town Investment Group (MTIG)

As part of a Districtwide programme of work Area officers provide support to a nominated link town. The agenda for meetings allow an opportunity for peer support amongst towns and showcasing of projects to share learning and success stories. Area East towns have received funding for a variety of projects over the years including tourist information boards, finger posts/signs and car park extensions. Following a 'digital audit' earlier this year, (undertaken by volunteers from another town) to better understand the impression created of the town through digital media, a programme of support will be developed with the towns at the next meeting.

Work by other agencies

Superfast Broadband

By December 2019 Connecting Devon & Somerset (CDS) aims to have provided at least 380,000 homes and businesses across its region with access to better broadband in areas where the commercial sector will not deliver on its own. A programme of further investments are planned including public funding returned by BT once take-up of the new broadband service passes 20%. This money will be re-invested by CDS to expand broadband coverage to areas without a service and where commercial connection will not be viable.

The community broadband voucher scheme has paused whilst the data from the previous voucher scheme is analysed. A decision will then be made about any future voucher scheme.

Whilst some of the larger settlements in Area East now have access to Superfast within this there are anomalies, where places such as edge of town business parks still do not have access

(although this is not unique to the Area as it was an issue highlighted through the digital audit work undertaken through the Market Town Investment Group)

Area East Committee supported a request from Cucklington Parish Meeting to underwrite a scheme to deliver broadband to one of our most rural settlements. The community responded well to the coordinated approach to take advantage of the original voucher scheme and the Area funding was not needed. A request has also been received from Blackford & Compton Pauncefoot Parish Meeting and is currently being assessed.

Heart of Wessex Local Action Group (HofWLAG)

In April members received a comprehensive report about this 5 year LEADER funded, locally designed, rural development and enterprise programme which focuses on supporting rural job creation and the economy. The changing position with BREXIT means that by the end of 2018 prospective projects need to be in the assessment process so contracts for funded projects can be put in place by March 2019.

A series of surgery sessions held in May and June, supporting applicants to bring forward strong applications, were well received and there is now c£600k of pipeline applications pending. If successful, these would take commitments close to the £1.4m original budget and HofWLAG would then be eligible to apply for any top-up funds which become available as a result of under commitments elsewhere in the country.

Heart of South West Local Enterprise Partnership (HofSWLEP)

This is a high level partnership covering Somerset & Devon, activities can tend to focus on larger settlements but there are work strands which are very relevant to Area East including:

Heart of South West Growth Hub – working across the partnership area providing business advice from initial engagement, signposting and onward referral to workshop sessions, grants and one to one business support.

Rural Productivity Commission – is a collaboration between Hof SWLEP and neighbouring Enterprise Partnerships to influence DeFRA's 25 year plan for Food, Farming, Fisheries and the Environment. Consideration is being given as to how best to influence this using a recently published, jointly commissioned, report.

A303 Improvement

At the time of preparing this report the A303 preferred route announcement for the Sparkford to Ilchester section had just been released. The route known as 'Option 1', which broadly follows the existing alignment, has been identified as the preferred route. The Highways England website advises that this route has been selected for a number of reasons including:

- minimising land-take
- minimising construction in unspoilt rural setting (as the route follows the existing corridor very closely)
- is preferred by stakeholders and most of the local community as it has less impact on biodiversity
- is the shortest of the 2 options so will provide the best journey time

Correspondence has gone directly to people who attended the previous consultation events and relevant Parish Councils. There are two public sessions to be held at Haynes Motor Museum on

7th and 10th November between 3 and 7pm. Information is also available to view at Wincanton library.

The next step will be to undertake route surveys and develop detailed designs ahead of a further round of public consultation.

Financial Implications

There are no additional budget implications resulting from this report

Implications for Corporate Priorities

A strong economy which has low unemployment and thriving businesses

Other Implications

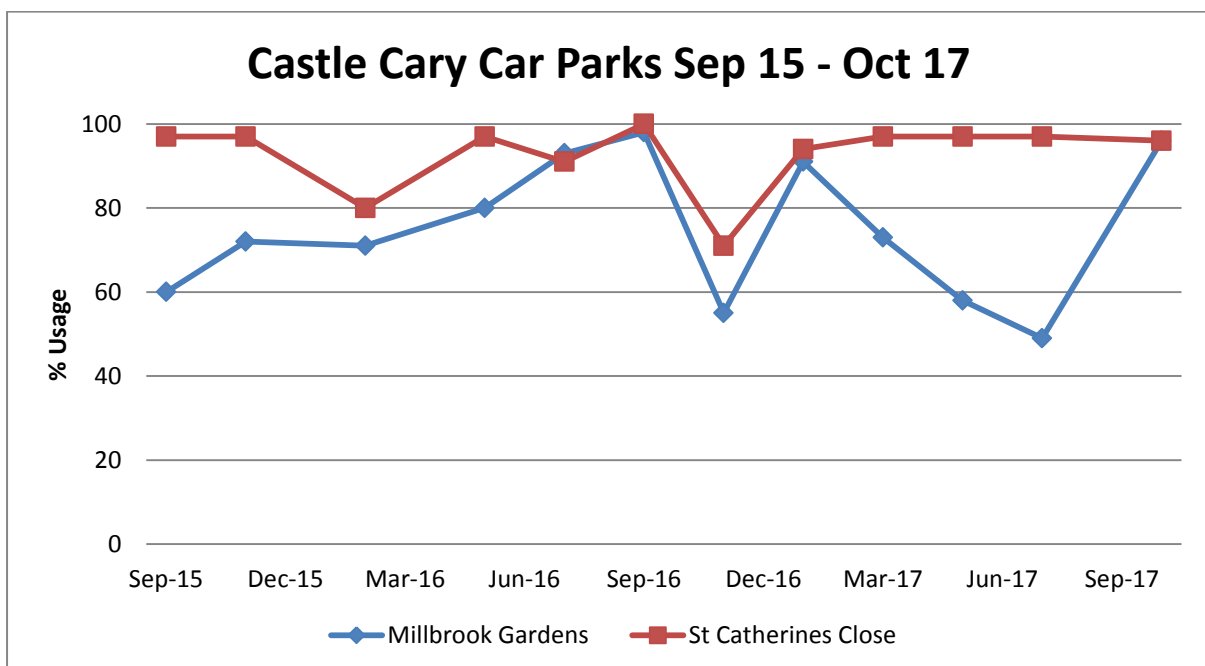
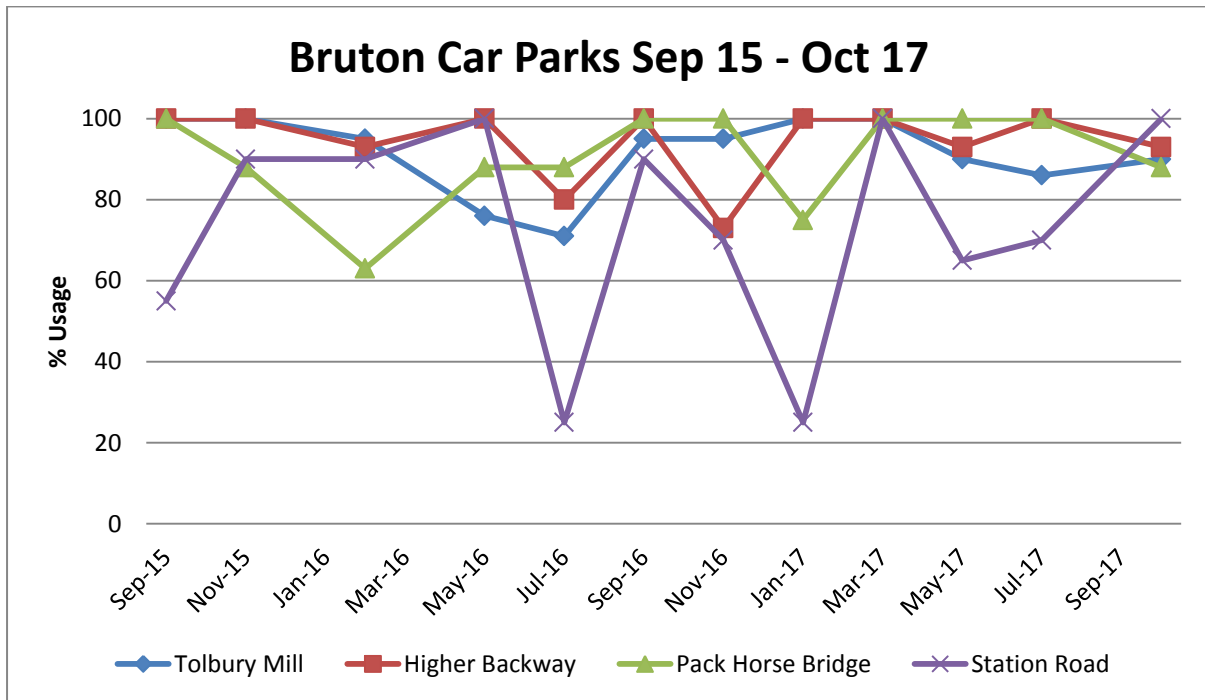
Included within the Area Development Plan

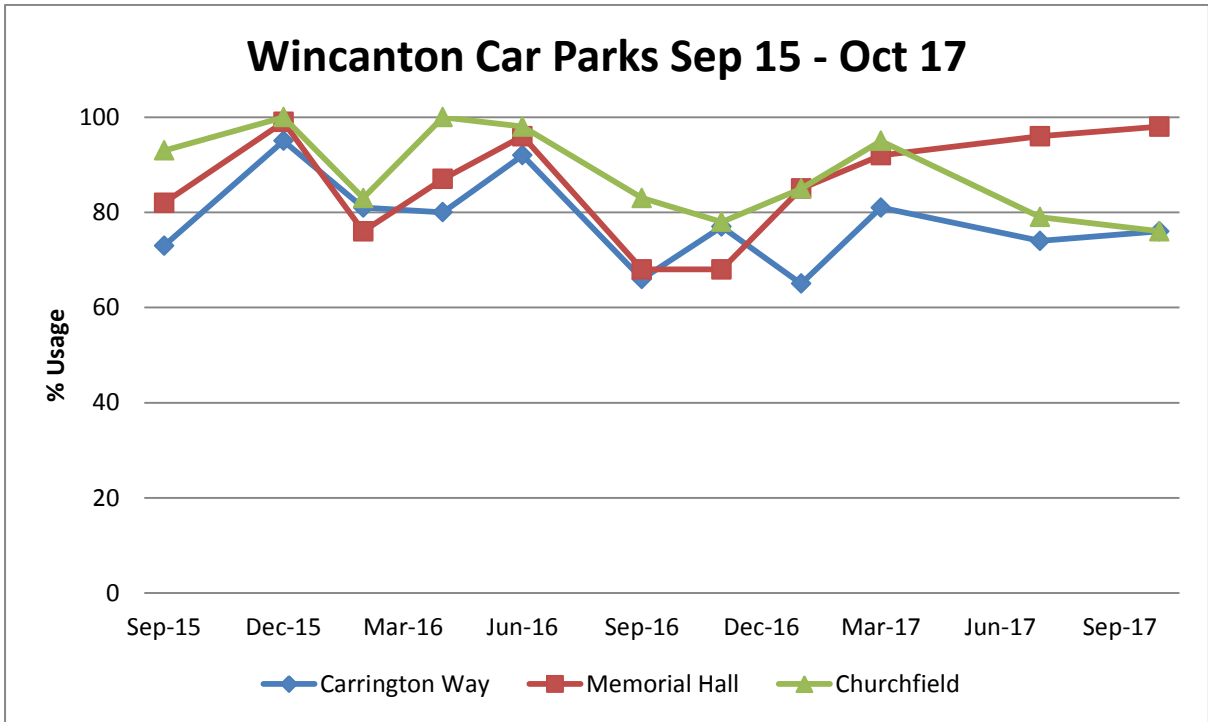
Background Papers:

Area East Committee Agenda and Minutes

Car Park Trends

The charts below show the car parking trends in Wincanton, Castle Cary and Bruton since September 2015 to October 2017:





Agenda Item 10

Area East Forward Plan

Assistant Directors: Helen Rutter, Communities
Service Manager: Tim Cook, Area Development Lead (East)
Lead Officer: Kelly Wheeler, Democratic Services Officer
Contact Details: Kelly.wheeler@southsomerset.gov.uk or 01935 462038

Purpose of the Report

This report informs Members of the agreed Area East Forward Plan.

Recommendation

Members are asked to:-

- (1) Comment upon and note the proposed Area East Forward Plan as attached;
- (2) Identify priorities for further reports to be added to the Area East Forward Plan, developed by the SSDC lead officers.

Area East Committee Forward Plan

The forward plan sets out items and issues to be discussed over the coming few months. It is reviewed and updated each month, and included within the Area Committee agenda, where members of the Area Committee may endorse or request amendments.

Members of the public, councillors, service managers, and partners may also request an item be placed within the forward plan for a future meeting, by contacting the agenda co-ordinator.

Items marked *in italics* are not yet confirmed, due to the attendance of additional representatives.

To make the best use of the Area Committee, the focus for topics should be on issues where local involvement and influence may be beneficial, and where local priorities and issues raised by the community are linked to SSDC corporate aims and objectives.

Further details on these items, or to suggest / request an agenda item for the Area East Committee, please contact the Agenda Co-ordinator; Kelly Wheeler.

Background Papers: *None*

Appendix A

Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
6 December 17	A303 upgrade	To consider the proposed scheme	Tim Cook
6 December 17	Wincanton Community Hospital	Response to consultation on closure of Wincanton Community Hospital	Helen Rutter
6 December 17	S106 update / CIL update	CIL update and summary of local accounts	Neil Waddleton/ Tim Cook
6 December 17	Community Grant Applications	To consider any SSDC community grant applications	Tim Cook
6 December 17	Highways update	To update members on the total works programme and local road maintenance programme	John Nicholson
10 January 18	Buildings at Risk/Conservation Team Update	Annual report to provide updates on buildings at risk and work of the Conservation team	Rob Archer
10 January 18	Wincanton Sports Ground	To update members on the progress of the centre	Tim Cook
10 January 18	Local Housing Needs	To update members	Kirsty Larkins
10 January 18	Affordable Housing Development Programme	To update members on the Affordable Housing Development Programme	Colin McDonald
10 January 18	Countryside Service Update	Annual update for members	Katy Menday
14 February 18	Citizens Advice South Somerset	Annual update for members	Dave Crisfield
14 February 18	Welfare Benefits	Annual report on the work of the service	Catherine Hansford

Agenda Item 11

Planning Appeals

Director: Martin Woods (Service Delivery)
Service Manager: David Norris, Development Manager
Lead Officer: David Norris, Development Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

Purpose of the Report

To inform members of the appeals that have been lodged, decided upon or withdrawn.

Recommendation

That the report be noted.

Background

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

Report Detail

Appeals Received

17/01484/OUT – Land OS 1200 Bayford Hill, Wincanton
Outline application for phased residential development of up to 150 dwellings, incorporating access with all other matters reserved for future consideration

17/00792/FUL - Higher Farm, Corton Denham
Erection of a stable

Appeals Allowed

None

Appeals Dismissed

16/03544/OUT – Hales Lea, Land East Of Hales Meadow, Mudford
Outline application for proposed residential development fronting Up-Mudford Road, Mudford

16/03734/OUT – Land adjoining Hazelgrove Lodge, High Street, Sparkford
Erect two dwellinghouses and form a vehicular access

Enforcement Appeals

APP/R3325/C/16/3158942 and 3158944
Land at East West House, Milborne Wick – Appeals dismissed and enforcement notice is upheld

APP/R3325/C/17/3168337
The Meadows, School Hill, Cucklington – Appeal withdrawn

Background Papers: None





Appeal Decision

Site visit made on 22 August 2017

by **JP Roberts BSc(Hons) LLB(Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25th October 2017

Appeal Ref: APP/R3325/W/17/3173173

Hales Lea, Up-Mudford Road, Mudford, Yeovil, Somerset BA21 5TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Hales Lea Partnership against the decision of South Somerset District Council.
 - The application Ref 16/03544/OUT, dated 15 August 2016, was refused by notice dated 30 November 2016.
 - The development proposed is residential development fronting Up-Mudford Road.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The application is in outline with all matters reserved for subsequent approval.

Main Issue

3. The appellants submitted an Archaeological Appraisal with the appeal, following which, having consulted the County Archaeologist, the Council indicated that the reason for refusal relating to archaeology would be withdrawn. Accordingly, the main issues are:
 - i) the effect of the proposal on the character and appearance of the village, and
 - ii) the planning balance.

Reasons

4. The site lies on the edge of Mudford, a rural settlement to which South Somerset Local Plan(LP) Policy SSD2 applies, which indicates that development will be strictly controlled, limited to specific forms of development which include meeting an identified housing need, particularly for affordable housing. However, the Council accepts that it is unable to demonstrate a 5 year supply of housing land, and thus the harm caused by the conflict with this policy carries limited weight.
5. Accordingly, the Council accepts that Mudford is an appropriate location for new residential development. The application follows a previous proposal for a

- much larger site, of which the current site forms the southerly part. That proposal was refused, and an appeal was dismissed in 2014¹.
6. Mudford is a highly linear village, with the majority of the built form lining either side of the A359 road. However, in the southern part of the village there is Hales Meadow, a significant estate which lies to the east of the road, comprising about 70 dwellings and a recreation ground, accessed from Up-Mudford Road. There is also a strand of development on the north-west edge of the village, and whilst it forms something of an outlier, it is formed largely of the church and a farm with ancillary buildings, rather than a line of residential development, and I consider that it does not materially alter the strong linear form of the settlement.
 7. The Hales Meadow estate does not conform to the general pattern of development, a point acknowledged by the previous Inspector, who referred to it as being at odds with the essential character trait formed by the linear form of the village. He also commented that the harmful development permitted in the past, under a different policy regime, provides little justification for more of the same, a premise with which I agree. The previous appeal was dismissed, with harm to the character and appearance of the area being one of the reasons for doing so.
 8. This proposal is somewhat different from the one dismissed on appeal. The illustrative plan indicates that a line of dwellings would be provided, continuing the existing line of dwellings fronting Up-Mudford Road, which comprises a single house, Camelot, a pair of bungalows and a terrace of 4 houses immediately adjacent the westernmost site boundary. However, this is not a strong linear form. The dwellings at 1 and 3 and 2 to 8 Hales Meadow front the road, but they are seen very much as part of the estate which extends behind them, which is an anomalous and harmful exception to the otherwise distinctive character of the village. Camelot is the only dwelling which fronts the road which is not an adjunct to the estate, and that is separated from the rest of the frontage dwellings by the end elevation of a terrace which is part of the estate, and its gardens.
 9. Whilst the proposed dwellings would continue the immediate line of adjacent houses, it would consolidate and extend a part of the estate further into the open countryside, at a point where the road bends, diminishing the visual continuity with the main part of the village. It would exacerbate the incongruity of the form of dwellings along the road, and would further damage the strong linear and distinctive character to the village. Whilst I recognise that the site and its surroundings do not have a high landscape value, this does not alter the damaging impact that the proposal would have on the character of the village.
 10. I have had regard to the other examples referred to by the appellant. The dwelling approved at Kiln Cottage was noted by officers as being uncharacteristic of the predominant linear pattern of the village, but concluded that it would not look out of place, due to its set-back position and location at the entrance of the village. Notwithstanding the siting at right-angles to the road, the site itself is consistent with the linear form of the village. The site adjoining 1 Primrose Lane lies on the edge of Yeovil, and has clearly distinguishing characteristics, and offers little support for this proposal. The 20

¹ Ref: APP/R3325/A/14/2224827

dwellings approved in Queens Camel involved weighing the social benefits of providing affordable housing against the uncharacteristic form of development, and was a case that turned on its individual merits.

11. I therefore consider that the line of dwellings along Up-Mudford Road is also a departure from the essential characteristic linear form of the village, and that its continuation would be harmful to the distinctive form. It would therefore conflict with LP Policy EQ2, which deals with general development criteria, which, amongst other things, seeks to reinforce local distinctiveness.

Planning balance

12. The appellants contend that the Council cannot demonstrate a 5 year supply of housing land. The supply of 4.2 years reported by the Council's monitoring report in July 2016 has worsened since the previous year. This has not been disputed by the Council, in which case the provisions of paragraph 14 and 49 of the National Planning Policy Framework (the Framework) come into play. Their effect is to provide that where a 5 year supply cannot be demonstrated, the policies for the supply of housing are out of date, and therefore permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.
13. There are no Framework policies that indicate that development in this case should be restricted, and therefore the "tilted balance" applies. The proposal would provide clear social benefits in helping to meet the housing needs of the district; this attracts significant weight. There would also be economic benefits arising from the construction and subsequent occupation of the dwellings.
14. The proposal is also aimed at custom-builders; the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) imposes certain duties on planning authorities, one of which is to keep a register of all individuals and organisations who are interested in acquiring a self-build/custom-build site.
15. The Council has a duty to grant permission for a number of sites equivalent to the number of applications on the register, although the initial period to satisfy that duty does not expire until the latter part of 2019. The Council says that no-one has registered an interest in acquiring such a site in Mudford. The appellants say they are aware of considerable local interest in custom-build sites and whilst I recognise that there may be good reasons why not all those with a genuine interest in acquiring such a site might not register, such anecdotal expressions of interest cannot carry the weight that entries on the official register might carry because only the latter engages the statutory duty.
16. In this case, the appellant has not submitted a planning obligation to provide a mechanism to ensure that the plots are only acquired, built and occupied by custom-builders. However, if the appeal were to have been allowed, I would have sought the main parties' views on a condition to secure appropriate arrangements.
17. As it is, even taking into account that the Council has not provided any self-build/custom-build plots to date, I find that the harm that would be caused to the character and appearance of the area would significantly and demonstrably

outweigh the benefits of providing such plots, together with the other benefits that would arise, referred to above. The environmental dimension of sustainable development would not be fulfilled, and that when looked at in the round the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including those of the Framework.

Other matters

18. I have had regard to the concerns expressed about flooding, but these do not add to my reasons for dismissing the appeal. As this is an outline application, concerns about the impact on the living conditions of neighbours could have been addressed through the submission of reserved matters, if the appeal were to have been allowed.

Conclusion

19. For the reasons given the proposal is unacceptable and the appeal must be dismissed.

JP Roberts

INSPECTOR



Appeal Decision

Site visit made on 1 August 2017

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 October 2017

Appeal Ref: APP/R3325/W/17/3169182

Land to the north east of Hazelgrove Lodge, Sparkford, Yeovil BA22 7JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Joy Kingman against the decision of South Somerset District Council.
 - The application Ref 16/03734/OUT, dated 18 August 2016, was refused by notice dated 3 November 2016.
 - The development proposed is to erect 2 dwellinghouses and form vehicular access thereto.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development which refers to forming a vehicular access, the application is made in outline with all matters reserved for later approval. I have determined the appeal on this basis and take the 1:2500 location plan which is shown on 16087-1 as the only plan forming part of the application. The 1:1250 block plan, which is shown on the same drawing, is marked as a layout for illustrative purposes only.
3. A further drawing, No 16087-1A, was submitted to the Council prior to the application being determined. This drawing added to the illustrative layout drawing annotation relating to visibility splays at the indicated new access point. Drawing No 16087 – 1B was submitted to the Council after the application was determined and, the correspondence shows, with a view to a re-submission of the application. Drawing 16087 – 1B accompanies the appeal documentation and shows proposals which are referred to within the appellant's case. This latest drawing has not been the subject of full consultation. However, as all the layouts submitted are illustrative, I have taken them into account in my decision on this basis.
4. I have used the spelling "Hazelgrove" for the appeal site and existing dwelling as it appears on the application documentation. I use the spelling for Hazlegrove House as it is shown on the ordnance survey map and at the entrance to this building.

Main Issues

5. These are the effect of the proposed development upon the setting of the Grade II* listed arch and upon the registered historic park and garden associated with Hazlegrove House.

Reasons

Statutory and policy context.

6. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission which affects a listed building or its setting, special regard shall be given to the desirability of preserving the building or its setting.
7. The National Planning Policy Framework ("Framework") sets out that one of the core planning principles is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Section 12 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed through development with the setting of such an asset.
8. Setting is defined in the Framework as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surrounding evolved. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
9. The appeal site lies to the south west of Sparkford. Sparkford is defined as a Rural Settlement to which Policy S22 of the South Somerset Local Plan adopted in March 2015 ("Local Plan") applies. This policy strictly controls and limits development. The Council cannot demonstrate a five year supply of land for housing. Relevant policies of the development plan relating to housing are therefore to be considered out of date. Paragraph 14 of the Framework indicates that in the context of sustainable development, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
10. Policy EQ3 of the Local Plan is specific to the historic environment and states heritage assets will be conserved and where appropriate enhanced for their historic significance and contribution to local distinctiveness, character and sense of place. Amongst other matters development proposals will be expected to safeguard these matters and make a positive contribution to character through high standards of design. Policy EQ2 of the Local Plan is a wide ranging and multi-criteria policy applying to general development. It includes the achievement of high quality design, promoting local distinctiveness, conserving and enhancing landscape character and respecting local context. I give these policies full weight.

Heritage assets.

11. The appeal site lies adjacent to and north east of Hazelgrove Lodge. Immediately to the south west of the lodge is an arch, listed Grade II* as "Triumphal Arch gateway to Hazlegrove House". The lodge and arch are in separate ownership from Hazlegrove House and are separated from Hazlegrove House by the dual carriageway of the A303. A roundabout a short distance to the southwest of the appeal site provides access to what is now the main approach to Hazlegrove House. The gardens and parkland of Hazlegrove House are included within the Register of Parks and Gardens, Grade II ("the RPAG"). The arch, Hazelgrove Lodge and the appeal site lie within the designated area of the RPAG
12. The evidence shows that English Heritage (now Historic England) re-assessed the designation of the RPAG as recently as November 2013 as part of the completion of a Register upgrade programme. The Advice Report from English Heritage on the review acknowledges that the southern part of the registered site has been eroded by the roundabout and re-routing of the A303. The report advises that Register site boundary maps are determined by the full extent of the historic garden, park and designed ornamental landscape and are independent of present patterns of ownership and management. Nonetheless, the site continued to meet the criteria for registration and the boundaries were not altered although the description of the RPAG was amended.
13. The reasons for designation of the RPAG are summarised in the formal description as it being an interesting and representative example of an C18 park, parts of which are of much earlier origin, and enough of the layout survives to reflect the original design. The historic development of the landscape has been relatively well documented. Despite the A303 cutting through the south east corner of the site, the site retains the majority of its historic landscape features and its overall character and historic boundaries survive well.
14. The detailed description of the RPAG includes reference to the lodge having been built in 1872 and the C17 entrance arch being re-erected. The listing description relating to the arch states it was originally built as a gateway into Low Ham Manor near Somerton as part of a late C17 mammoth project which was never completed. The position of the entrance to Hazlegrove House was altered at this time and remained the principal approach until the line of the drive was severed by the A303 in the late C20.
15. Historic England, as part of their comments on the development proposals, acknowledge that the relationship between the arch and Hazlegrove House has been severely compromised by the A303. They also acknowledge that the relationship between the arch and the house is from a date later than that of the house. The setting of the arch has been compromised by the A303 and the domestication of the immediate area. Nonetheless the arch retains a degree of isolation in the landscape and the arch was designed to be a visual marker to announce the perimeter of the estate and still signals that Hazlegrove House is a short distance away. The way in which the arch is read is heightened by the fact that it is not surrounded by the village.
16. From my assessment of the evidence and from what I saw during my site visit, I agree with the Historic England assessment of the significance of the arch which is reflected in its Grade II* status. Despite the presence of the

roundabout and related services to the south west of the site, the arch and lodge retain a relatively isolated presence in the landscape.

17. The lodge is not a listed building and has been subject to considerable extension in a style which is at variance with the original building. However, I consider that sufficient of the original building remains evident, in particular its distinctive roof form, for the building to have historic interest and to retain some of its architectural interest. The evidence indicates it was built at a similar time to the arch being brought to the site and the location of the lodge adds to the significance of the arch. The arch is a key feature in the landscape of the south eastern part of the RPAG and the lodge adds to this. Given the references to the lodge in the RPAG description, it is not unreasonable for the Council to regard Hazelgrove Lodge as an undesignated heritage asset.
18. The land around the lodge and between High Street and the A303 retains recognisable parkland characteristics including some mature trees, notwithstanding its current use for paddocks. The tree belt beyond the north east side of the appeal site forms a strong boundary to this edge of the designated RPAG.

The proposed development

19. The appeal site lies outside the immediate garden area of Hazelgrove Lodge. The illustrative layouts show a proposed new vehicular access roughly in the centre of the site and a dwelling set to either side of the access. The earlier two illustrative layouts show the existing access through the arched gateway would be permanently closed and access to Hazelgrove Lodge would be taken from the new access. The most recent illustrative layout shows the gated access via the arch would be retained and stables, garaging and other buildings would be removed from the area just inside the arch. The illustrative layout also shows that the tree avenue along the line of the drive would be reinstated, although I noted during my site visit that there were a number of existing trees already along this alignment. Whilst these matters relate to land outside the application site, they are on land within the appellant's control and therefore have the potential to be the subject of conditions.
20. The proposed dwellings would be readily apparent in approaches from the east and also from the High Street directly outside the site. The development would change to the way in which the arch and lodge are perceived within the landscape, removing their isolation. The introduction of a new access to serve the proposed dwellings, despite the ability to create this as a gap within a hedgerow, would undermine the role and status of the historic arch access. The proposed development would cause serious and lasting harm to the setting of the Grade II* listed arch and would diminish its significance. For similar reasons, the significance of the RPAG would also be harmed.
21. The appellant draws attention to various permissions granted for development of land between the edge of the RPAG and Sparkford. These are not yet completed. The evidence shows that one of the approved developments would reach the boundary of the designated RPAG. However, the protected tree belt within the south eastern edge of the RPAG provides a clear demarcation between the designated parkland and the proposed development. Furthermore the tree belt is sufficiently substantial to maintain a strong visual screen in views of the appeal site from the east. As such, the permitted development

does not create a precedent for the appeal proposal but underlines the importance of protecting the setting of the arch within the RPAG.

22. To the south west of the site, and adjacent to the A303 roundabout, are various services including a petrol filling station and food outlets. These are on the south side of the A359 High Street. The landscape belt associated with the A303 masks the parkland to either side of the dual carriageway, however, the belt also continues around the north east section of the roundabout. Consequently, despite the proximity of the service area to the appeal site, the section of the RPAG within which the appeal site is located is visually separate.
23. The proposals would fail to preserve the setting of the Grade II* arch and would harm the significance of the RPAG.

Other matters

24. Land largely outside the appeal site but within the control of the appellant is the subject of a tree preservation order. However, I acknowledge that any detailed layout could avoid harm to these trees. The visibility required for the proposed access is likely to require realignment of the boundary hedge alongside High Street. I am not provided with any information which suggests the hedgerow has intrinsic value as part of the historic parkland. Consequently, these matters have not been determining factors in my decision.
25. Whilst the appellant points to further changes planned for the A303 which may result in the roundabout and road to the south west of the site being realigned, I am not provided with any plans, nor any confirmation of firm timescales for change. Accordingly, this has not altered my findings on the main issues.

Overall Assessment

26. I have found the proposed development would fail to preserve the setting of the Grade II* arch and would diminish its significance as a designated heritage asset. The proposals would also diminish the significance of the RPAG because it would remove the isolated qualities of the arch, lodge and former historic entrance to Hazlegrave House. These are matters to which I give great weight.
27. In the context of paragraphs 133 and 134 of the Framework, the development proposal would lead to less than substantial harm to the significance of the designated heritage assets. However, heritage assets are irreplaceable and clear and convincing justification is needed where there would be harm to designated heritage assets.
28. There would be public benefits arising from the development. These include social and economic benefits commensurate with the provision of two dwellings within a District which cannot demonstrate an adequate supply of land for housing. The appeal site is in an accessible location in relation to facilities, services and employment opportunities. The removal of existing buildings from west of the arch and enhanced avenue planting would benefit the immediate setting of the arch but would not mitigate the harm from the proposed development. The public benefits taken as a whole are not sufficient to outweigh the lasting harm the development would cause to the significance of designated heritage assets. The proposals would therefore fail to meet the requirements of Framework in this regard and the presumption in favour of sustainable development set out in the fourth bullet point of Paragraph 14 of the Framework does not apply.

29. The proposals conflict with Local Plan Policy EQ3 as they would fail to conserve historic assets and their historic significance. The proposals would detract from rather than enhance their sense of place. The proposals would fail to conserve and enhance landscape character and would not respect local context and so would conflict with Policy EQ2. As the proposals seek outline planning permission compliance with other criteria within policy EQ2 cannot be assessed.

Conclusions

30. For the above reasons and having taken into account all matters raised, I conclude the appeal should be dismissed.

J E Tempest

INSPECTOR



Appeal Decisions

Inquiry Held on 3 October 2017

Site visit made on 3 October 2017

by Paul Freer BA (Hons) LLM MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 October 2017

Appeal Refs: APP/R3325/C/16/3158942 & 3158944

Land at East West House, Milborne Wick, Sherborne DT9 4PW

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mr and Mrs Dickson against an enforcement notice issued by South Somerset District Council.
 - The enforcement notice was issued on 23 February 2016.
 - The breach of planning control as alleged in the notice is, without planning permission, the installation of a decking platform and erection of a tented structure in the approximate position marked with an oblong hatched red on the plan attached to the notice.
 - The requirements of the notice are:
 - (i) Remove the decking platform and tented structure
 - (ii) Remove from the land all building materials arising from compliance with requirement (i) above.
 - The period for compliance with the requirements is 6 months.
 - The appeals are proceeding on the grounds set out in section 174(2) (c) and (d) of the Town and Country Planning Act 1990 as amended.
-

Summary Decision: the appeals are dismissed and the enforcement notice is upheld.

Application for costs

1. At the Inquiry an application for costs was made by South Somerset District Council against Mr and Mrs Dickson. This application is the subject of a separate Decision.

Procedural matters and background

2. Evidence at the Inquiry was given under oath by way of affirmation.
3. Because it is relevant to both the grounds on which these appeals are made, it is helpful to describe the decking platform (decking) and the tented structure (tent) that are subject to the enforcement notice here at the outset.
4. East West House sits in a large plot at the edge of Milborne Wick. The house sits in a slightly elevated position in relation to the highway and the land continues to rise quite steeply to the south and west. The decking and the tent are located in the far south-west corner of the plot, at the furthest point possible from East West House itself and on the highest point in the plot. It is common ground that the decking and the tent are placed on domestic land, for which I shall substitute the more generic term of 'garden'.

5. The installation of the decking required changes to the ground levels of the garden. Nevertheless, the decking stands considerably above surrounding ground level and is accessed via steps. The decking has two levels, albeit the upper level is raised only slightly above the lower level. The tent, including the overhanging section at the front, occupies a significant proportion of the upper level of the decking. The tent is affixed to the decking by a combination of solid metal poles, straps and ropes. The solid metal poles are bolted to the decking. The straps and ropes are attached to the decking through metal eyelets screwed into the decking itself, and have tightening brackets.
6. In addition to the tent itself, there is a hot tub located on the lower level of the decking. I understand that this hot tub is fully functional. A series of flush-fitting lights are set within the decking, but which I understand are not presently functional, and there are also some free-standing lights. The latter are powered from a plug socket within a rain-proof covered box affixed to the decking, and I noted that there was an additional unused plug socket in the same box. I was advised that there is no running water to the tent, although water is provided to a number of sprinkler units in this part of the garden.
7. Before turning to the grounds of appeal, it is convenient to consider at this point whether the decking and tent are a single building operation. The test in this respect is whether the installation of the decking was a separate activity of substance to the subsequent erection of the tent upon it¹.
8. It is axiomatic, and Mrs Dickson accepted in cross-examination, that the installation of the decking was necessary to provide a level surface on which to erect the tent. To that extent, the decking is both necessary for and ancillary to the erection of the tent. I am also mindful that the tent is firmly and permanently affixed to the decking and, as such, is part and parcel of one structure that comprises the decking and the tent. In this context, it is to my mind unlikely to be a coincidence that the tent fits very precisely on the upper level of the decking.
9. In giving her evidence, Mrs Dickson sought to explain that the decking was used for recreational purposes by her family before the tent was erected. However, there is no documentary evidence before me to substantiate that. It is evident that there was a period of time between the decking being installed in or around January 2011 and the tent being erected on it in mid-2013, but there is no judicial authority to indicate that a period of time between elements or phases of construction precludes the construction of the whole from being a single building operation. I therefore conclude that, as a matter of fact and degree, the installation of the decking was not a separate activity of substance in its own right but was the first phase of construction as a part of single building operation comprising the decking and the tent.

The appeals on ground (c)

10. The ground of appeal is that, in respect of any breach of planning control that may be constituted by the matters stated in the notice, those matters do not constitute a breach of planning control.
11. The appellants initially argued that the decking and the tent did not constitute development for the purposes of section 55(1) of the Town and Country

¹ *Eatherley v LB of Camden* [2016] EWHC 3108 (Admin)

Planning Act 1990 as amended. However, through the Statement of Common Ground submitted shortly before the Inquiry opened, the appellants now concede that planning permission is required for the decking and the tent. Following that concession, the essence of the appellant's case under this ground of appeal is now that the decking and the tent structure constitute permitted development.

12. It is common ground between the main parties that the decking and tent were substantially complete in mid-2013 and therefore before 15 April 2015, that being the date on which the Town and Country Planning (General Permitted Development) (England) Order 2015 came into force. The question as to whether the decking and tent constitute permitted development therefore falls to be considered against the provisions set out within the Town and Country Planning (General Permitted Development) Order 1995 (the "GPDO"), as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.
13. The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such is permitted by Class E, Part 1, Schedule 2, Article 3 of the GPDO, subject to the limitations at Class E.1 and Class E.2. Having regard to the provisions within Class E of the GPDO, the main issues arising from this ground of appeal are:
 - whether the decking and tent are within the curtilage of the dwellinghouse known as East West House
 - whether the decking and tent is or is intended to be for purposes incidental to the enjoyment of the dwellinghouse as such
 - whether the decking is a raised platform for the purposes of Class E.1 (g)
 - whether the overhanging section at the front of the tent constitutes a veranda for the purposes of Class E.1(g), and
 - whether parts of the tent, specifically some of the supporting poles, exceeded 2.5 metres in height and were within 2 metres of the boundary, such that they would not accord with limitations at Class E.1(d)(ii).
14. I will consider these issues in turn below. It is convenient to consider first the provisions within Class E itself before, if necessary, moving onto the limitations at Class E.1 and Class E.2.

Curtilage

15. There is no authoritative definition of the term curtilage. The determination of the curtilage of a dwellinghouse is therefore a matter of fact and degree in each case. However, the High Court judgment in *Burford v SoSCLG*² provides a useful summary of judicial authority on this point to date, including judgments referred to by the appellants. I shall therefore approach this main issue having regard to the principles summarised in *Burford* and set out in the earlier judgments to which *Burford* makes reference.

² *Burford v SoSCLG* [2017] EWHC 1493 (Admin)

16. The garden to East West House rises quite steeply from the main house, but is essentially on two levels. What I shall call the lower level is a relatively flat area mostly laid to grass, immediately to the rear of the main house. There is a mature tree in the middle of this grassed area, with further trees around the perimeter. The impression gained is of a secluded usable garden space with an intimate relationship to the main house.
17. From this lower level, a grass slope leads upwards between trees and other vegetation to the upper level. This area is also relatively flat and laid to grass, and it is within this upper level that the decking and tent are situated. To the north of this upper level, on land that slopes to down towards the stream at the base of the valley, is an area of tree and shrub planting. To the south and west, the upper level adjoins agricultural land, views of which are possible over and through vegetation on the boundary, affording long-distance views over the surrounding countryside.
18. There is no clear view of East West House and associated structures from this upper area. The impression is therefore of being within a separate space, which has more affinity with the adjoining area of trees and shrubs and the surrounding countryside than East West House.
19. Applying these findings to the principles established in relevant judicial authority, as summarised in *Burford*, I firstly note that both the upper and lower levels of the garden serve a useful purpose for the appellants and their family. It is also clearly advantageous and convenient for the family to use both spaces together. However, that in itself is not sufficient³. In this context, I am also mindful of the approach adopted in *Attorney General ex rel Sutcliffe v Calderdale BC*⁴, in which it was held that, where they are in common ownership and one is used in connection with the other, there is little difficulty in putting a structure into the curtilage of a building, even if it is some distance from it.
20. Nevertheless, it was held in *Dyer v Dorset CC*⁵ that the expression curtilage connotes a piece of land attached to a dwellinghouse and forming one enclosure with it. In my opinion, it is only the lower level of the garden to East West House that may be properly described as forming one enclosure with that dwelling. By reason of the intervening trees and shrubs, the upper level has no visual connection with East West House and plays no role in enclosing that dwelling. Moreover, the upper level is more associated with the surrounding countryside and in that sense is divorced from the main dwellinghouse. Taking these factors into account, I find as a matter of fact and degree that the upper garden level does not form part of the curtilage of the dwellinghouse known as East West House. It follows that the decking and tent, which are located on that upper level, are not within the curtilage of that dwellinghouse.

Incidental to the enjoyment of the dwellinghouse

21. I have found that the decking and tent fall outside of the curtilage of the dwellinghouse and, as such, the issue of whether they are incidental to the enjoyment of the dwellinghouse does not strictly need to be considered. Nevertheless, for the sake of completeness I shall consider it here. Consideration of this issue raises two separate questions: is the purpose of the

³ *Methuen-Campbell v Walters* [1979] 1 QB 525

⁴ *Attorney General ex rel Sutcliffe v Calderdale BC* [1982] 46 P&CR 399

⁵ *Dyer v Dorset CC* [1989] 1 QB 346

- decking and tent are incidental to the enjoyment of the dwellinghouse as such and, if so, are the decking and tent reasonably required for that purpose.
22. In giving her evidence, Mrs Dickson steadfastly maintained that the decking and tent are used by her family as part of their enjoyment of the garden. I find that position difficult to reconcile with the documentary evidence referred to by the Council, and having regard to the contents of the tent at the time of site visit and as shown in photographs provided by the Council.
 23. The first of these documents is a planning application dated 4 April 2014 submitted by the appellant, Mr Andrew Dickson (Council Ref: 14/01644/FUL). That application sought permission for a development described on the application form as a decking platform and change of use and retention of a one storey safari tent and the change of use being for luxury holiday let accommodation. The use applied for, specifically the change of use being for luxury holiday let accommodation, is clearly not a use that can be considered incidental or conducive to the very condition of living in the dwellinghouse.
 24. That planning application was supported by a document produced by the appellant entitled "THE Home Escape", which I understand is a brochure outlining the appellants home let business. Within that document is a detailed description of the "THE Tent" and, although this is clearly a brand name for the purpose of the brochure, it is nonetheless evident that this is the same tent to which the enforcement notice relates. This description makes reference to THE Tent having a bath, a sink and a loo, with hot water generated by a wood burner and sewerage connected to an existing septic tank. The description makes it clear that there are no cooking facilities in THE Tent but does confirm that an electricity supply is available to support a kettle and small fridge. The description goes on to indicate that parking is available at the appellants' own property, and that THE Tent will employ another housekeeper, gardener and a chef.
 25. The Council also produced a copy of web page entitled "Availability and bookings for THE TENT". The page showed dates in March and April 2015 on which THE TENT was either available or booked, with instructions as to how to view prices and to book the accommodation. The latter is described as including a bedroom, an en-suite bathroom with hot and cold running water, a biomass boiler fuelled by a wood burner, a wine fridge, a hot tub, a hammock, a telescope and, I particularly note, a TV. Attached to the web page are photographs showing the interior of THE TENT, and again indisputably the same as that subject to the enforcement notice. Also attached to the brochure are two testimonials from clients that had stayed in THE TENT.
 26. At the time of my site visit, the facilities within the tent were essentially the same as those identified in the brochure/web page and in photographs provided by the Council, although I did not observe an en-suite bathroom. Mrs Dickson maintained that the bath and wood burner were both not functional, despite these features being clearly advertised in the brochure/web page. There was a model truck on the floor of the tent at the time of my site visit, which would support the appellant's case that the tent is used by the family as part of their garden. However, that aside, all the other facilities that I observed (for example the double-bed, bath, hot tub, stereo, telescope mount, flush-fitting lights and fixtures for a hammock) to my mind suggest use as a high-end holiday let along the lines advertised in the brochure/web page.

27. The appellants seek to explain this, both in the written evidence and the oral evidence given by Mrs Dickson, by asserting that the description used for the planning application arose from advice given by Council officers during a site visit on 2 April 2014. According to Mrs Dickson, the planning officers present at that meeting advised that there would be a good prospect of obtaining planning permission if the appellants "played the tourism card". In answer to my direct question at the Inquiry, Mrs Dickson confirmed that the brochure and the booking form had been produced solely for the purpose of supporting the planning application (Council Ref: 14/01644/FUL) pursuant to the advice given by the Council officers to play the tourism card.
28. I am not convinced by this explanation. In the first instance, one of the planning officers present at the meeting on 2 April 2014, Ms Fox, explained in her evidence to the Inquiry that the advice given to the appellants on that occasion was not to play the tourism card. According to Ms Fox, the advice given on that occasion was that tourism was something that the Council supported in principle but that no assurances could be given. Given that Ms Fox is a local Government planning officer with extensive experience, I attach considerable weight to her evidence in this respect. Moreover, Ms Fox recalled that this advice had been in response to the appellants' admission at the meeting that the tent was part of their portfolio of holiday let properties. The latter is, to my mind, further evidence of the likely true purpose behind the erection of the tent.
29. The brochure "THE Home Escape" that accompanied planning application Council Ref: 14/01644/FUL is not itself dated. However, the meeting with the Council planning officers took place on 2 April 2014. The planning application Council Ref: 14/01644/FUL is dated 4 April 2014. The implication, therefore, is that the brochure was produced, on the appellant's case, solely for the purpose of supporting that application in somewhat under two days.
30. I acknowledge that there are several incomplete sections in the brochure and the whole document has the feel of a work in progress. This might indicate that it was put together in a hurry, commensurate with the tight deadline of less than two days. Nevertheless, the brochure is quite detailed and covers more than just the tent, such that it must have taken some time to put together. Taking all these factors into account, I have difficulty in accepting that this brochure was produced solely for the purposes of supporting the planning application. Rather, in my view, it is more likely that this brochure was prepared and intended for use in connection with the appellants' holiday let business, but was pressed into service to support the planning application.
31. There is no such question over the web page entitled "Availability and bookings for THE TENT". This page was clearly active in March 2015, when the Council accessed it, and therefore long after the planning application was submitted. Consequently, there is no credence to the suggestion that this web page was produced solely in support of the planning application.
32. In his oral evidence to the Inquiry, Mr Maxwell, who resides at "The Dairy House" in Milborne Wick, recalled the excitement in the village when certain film and television celebrities were spotted visiting the appeal property. However, whilst I have no reason to doubt Mr Maxwell's observations, I have no evidence to show that their presence was in any way connected to the tent and for that reason I attach only minimal weight to this evidence.

33. Nevertheless, I conclude that, on the balance of probability, the evidence available to me points towards the use of the decking and tent for purposes of a holiday let. It follows that the decking and tent are not used for a purpose incidental to the enjoyment of the dwellinghouse as such, and for that reason also do not constitute permitted development under Class E of the GPDO. Having reached that conclusion, I do not then need to go on consider whether the decking and tent are reasonably required for a purpose incidental to the enjoyment of the dwellinghouse.

Conclusion on the appeals on ground (c)

34. Having regard to above, I find that the decking and the tent are not within the curtilage of the dwellinghouse known as East West House and are not used for a purpose incidental to the enjoyment of the dwellinghouse as such. It follows that decking and the tent are not permitted development under Class E of the GPDO, such that express planning permission is required for them for these reasons alone. It is therefore not necessary for me consider whether the decking and tent accord with the limitations at Class E.1 and Class E.2 in terms of whether the decking is a raised platform as referred to in Class E.1 (g); whether the overhanging section at the front of the tent constitutes a veranda for the purposes of Class E.1(g); or whether parts of the tent exceed 2.5 metres in height within 2 metres of the boundary, such that they would not accord with limitations at Class E.1(d)(ii).

35. Accordingly, the appeals on ground (c) fail.

The appeals on ground (d)

36. The appeal on this ground is that, at the date on which the notice was issued, no enforcement action could be taken in respect of any breach of planning control that may be constituted by those matters. In order to succeed on this ground, the appellant must show that the structure had been substantially complete for a period of at least four years prior to the date on which the notice was issued. The test in this regard is the balance of probability and the burden of proof is on the appellant.

37. The appellants explain that construction on the decking commenced in January 2011. In support of that, Mr Sprake, owner and farmer of much of the land surrounding the appeal site, gave evidence recalling that construction materials for the decking were brought onto the site in or around January 2011. This evidence was not seriously challenged by the Council, and I have no reason to doubt the version of events described by Mr Sprake.

38. The appellants also provided an aerial photograph said to be taken in February 2012 showing the decking in situ but without the tent in place. The photograph itself is not dated, but the 'properties box' states a date of 25 February 2012 and a time of 23:25. Based upon the colours of the foliage, the photograph appears to have been taken in daylight during the autumn or early winter, such that the date of 25 February and the time of 23:25 are unlikely to relate to the time on which the photograph was actually taken. Furthermore, the properties box also indicates that Adobe Photoshop had been used in the production of the image. I therefore cannot discount the possibility that the photograph has been altered or enhanced in some way. For these reasons, I consider that this photograph cannot be relied upon, either in support of the appellants' case or against it.

39. However, there is no need for me to place any reliance on that photograph one way or the other. I have found that the decking and the tent comprise a single building operation. The relevant time period therefore begins not when the decking was complete, but when the tent was erected on the decking. By the appellants' own admission, the tent was erected in mid-2013. This would be consistent with the receipt by the Council of the initial complaint that triggered the enforcement investigation on 2 January 2014.
40. The corollary is that the decking and tent were not completed as a single building operation until mid-2013. This is less than four years before the date on which the enforcement notice was issued on 23 February 2016. It follows that, on the balance of probability, the decking and tent were not immune from enforcement action on the date in which the enforcement notice was issued.
41. Accordingly, the appeals on ground (d) fail.

Conclusion

42. For the reasons given above, I conclude that the appeals should not succeed and I shall uphold the enforcement notice.

Formal Decisions

43. The appeals are dismissed and the enforcement notice is upheld.

Paul Freer

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Edward Romaine

Solicitor, Lyon Bowe Solicitors,
instructed by Mr & Mrs Dickson

He called:

Mrs Cleo Dickson

Appellant

Mr John Sprake

Owner and occupier, Bradley
Head Farm, Milborne Wick

FOR THE LOCAL PLANNING AUTHORITY:

Mr Philip Robson

Of Counsel, instructed by the
Solicitor, South Somerset
District Council

He called:

Ms Sam Fox

Planning/Enforcement Assistant

Mr Dominic Heath-Coleman BSc (Hons) MA

Planning Officer

INTERESTED PERSONS

Mr Douglas Maxwell

Occupier, The Dairy House,
Milborne Wick

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1/ Opening Submissions on behalf of South Somerset District Council.
- 2/ Aerial photograph of the appeal site.

- 3/ Extract from the application for a Certificate of Lawful Use or Development submitted by the appellants in 2015 (Council Ref:15/01981/COL) .
- 4/ Application form for planning application 14/01644/FUL.
- 5/ Brochure entitled "THE Home Escape"
- 6/ Extract from web page showing availability/booking for THE TENT.
- 7/ Aerial photograph of the appeal site with properties box shown.
- 8/ Closing submissions on behalf of the appellants.
- 9/ Application for Costs on behalf of South Somerset District Council.



Costs Decision

Inquiry Held on 3 October 2017

Site visit made on 3 October 2017

by Paul Freer BA (Hons) LLM MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 October 2017

Costs application in relation to Appeal Refs: APP/R3325/C/16/3158942 & 3158944

Land at East West House, Milborne Wick, Sherborne, Dorset DT9 4PW

- The application is made under the Town and Country Planning Act 1990, sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by South Somerset District Council for a full award of costs against Mr & Mrs Dickson.
 - The inquiry was in connection with an appeal against an enforcement notice alleging, without planning permission, the installation of a decking platform and the erection of a tented structure.
-

Decision: the application is refused

The submissions for South Somerset District Council

1. The essence of the Council's application is that the appellants were slow to seek to regularise the breach of planning control. Furthermore, once received, the planning application was immediately withdrawn. A belated application for a Certificate of Lawful Use or Development was refused by the Council but not appealed, and yet despite this the appellant's appeals on ground (c) and (d) as part of this current appeal raise identical issues. Furthermore, the appellants repeatedly ignored officer advice to consider an alternative siting for the decking platform and the erection of a tented structure.
2. The Council also contend that the appellants have constantly changed their position in relation to the intended use of the decking platform and the tented structure. The appellants initially indicated that the tent was erected for private leisure purposes. However, once Council officers viewed inside the tent, the appellants' position on the use of the tent changed to use as a holiday let before then changing again to a purpose for demonstrating the appellants' interior design business. The Council therefore consider that the appellants have tactically shifted their position in an attempt to find an argument that might work in the circumstances facing them at the time.
3. The Council consider that the evidence submitted by the appellant's was very poor, with no grounds of appeal initially being specified and then, once the appeals on grounds (c) and (d) had been made, little evidence being submitted in support of their substantive grounds of appeal. Much of the evidence that was submitted related to ground (a), namely that planning permission ought to be granted, but no appeal on that ground had been made.

4. The Council consider that the appellants' behaviour has been unreasonable, and that the Council has incurred wasted and unnecessary expense in defending an appeal that could have been entirely avoided.

The response by Mr & Mrs Dickson

5. The first point made by Mr & Mrs Dickson is that the application for costs came very much as a surprise, and that at no point prior to the Inquiry did the Council indicate that the appellant's approach had been unreasonable.
6. The appellants dispute that the length of time taken to seek to regularise the breach of planning control was unusual, and explain that the planning application had been withdrawn following discussions with Councillor Lucy Wallace. The delay in submitting the application for a Certificate of Lawful Use or Development was due to a change in the appellant's e-mail address, but once this had been resolved things moved forward within a usual time-frame.
7. In relation to an alternative location for the decking and tented structure, the Council officers had made it clear that they could not promise that any such application would be successful. In those circumstances, the appellants were entitled to pursue an appeal before taking the structures down. In this context, the appellants consider that the Council's approach would lead to costs being awarded against appellants in every enforcement appeal.
8. The appellants maintain that their position has been consistent throughout, and that no time was wasted on considering ground (a) type arguments. The appellants point out that they submitted their evidence on time and that, whilst some evidence was submitted close to the start of the Inquiry, the Council also submitted new evidence once the Inquiry had opened. The appellants accept that it would have been unreasonable if they had not turned up at the Inquiry or had pursued an appeal on ground (a) at the Inquiry, but neither was the case. No new points were introduced at the Inquiry itself.
9. In summary, the appellants point out that an advocate had only recently been instructed but notwithstanding that they had tried to work through the planning process and have not acted unreasonably in doing so. They therefore consider that the Council are effectively seeking to punish them even though they have acted within the planning process.

Reasons

10. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The Planning Practice Guidance indicates that one of the aims of the costs regime is to encourage all those involved in the appeal process to behave in a reasonable way and to follow good practice.
11. I do not consider that the appellants were unreasonably tardy in seeking to regularise the breach of planning control. I can also understand why, as people not familiar with the planning system, the appellants immediately withdrew the planning application having spoken with a local Councillor although, on my reading of the appellants' evidence, the reasons for doing so were in practice not soundly based. I have more difficulty in understanding why no appeal was lodged against the refusal of the application for a Certificate

- of Lawful Use or Development, especially as the appellants' grounds for the present appeals raised identical issues. However, I again remind myself that the appellants were not professionally represented at that time.
12. I would not go so far as to say that the evidence submitted by the appellant's was very poor, as do the Council, but it was poorly structured and much of it related to matters that fall to be considered under an appeal on ground (a), a ground of appeal that had not been pleaded. That said, the appellant's evidence contained a reasonable summary of case law insofar as it relates to the issue of curtilage and was consistent in the stance that the tent was used for purposes incidental to the enjoyment of the dwellinghouse. I recognise that the appellants' initial position during the investigation of the breach of planning control may have been somewhat inconsistent and reactionary but, by the time that the appeal was submitted and right through the Inquiry, the appellants' position did remain consistent. The fact that I did not accept that position as being an accurate one in planning terms does not diminish the fact that the appellants were consistent in their evidence.
 13. Having not been professionally represented during the early stages of the appeal process, the appellants did appoint an advocate, Mr Romaine, shortly before the Inquiry. This enabled a Statement of Common Ground to be prepared, through which a line of argument previously advanced by the appellants relating to whether the decking and tent constituted development under Section 55(1) of the Act was conceded. That line of argument held, on the face of it, very little prospect of succeeding. The removal of that line of argument therefore saved abortive Inquiry time. I also suspect that the appointment of Mr Romaine provided structure and focus to the appellants' case at the Inquiry itself, and in all likelihood this too saved Inquiry time.
 14. I recognise that the appellants' behaviour during the initial investigation of the breach of planning control and the early stages of the appeal process did not constitute good practice, as advocated in the Planning Practice Guidance. In this respect, and with the benefit of hindsight, seeking professional representation at an earlier stage may have benefitted the appellants and enabled them to better navigate the planning process. But I come back to the fundamental point that the appellants were not familiar with the planning system when faced with the initial investigation of the breach of planning control. For that reason, I stop short of finding that the appellants' behaviour was unreasonable in the context of the Planning Practice Guidance. I am reinforced in that conclusion by the appellants' decision to appoint Mr Romaine before the Inquiry, and the subsequent savings in Inquiry time that resulted.
 15. The Planning Practice Guidance clearly states that the right of appeal must be exercised reasonably. There is nothing unreasonable in the appellants' decision to exercise their right of appeal against the enforcement notice and, in the circumstances, the appellants' behaviour in pursuing that appeal was not unreasonable. In the absence of unreasonable behaviour, an award of costs is not justified.

Paul Freer

INSPECTOR

Agenda Item 12

Schedule of Planning Applications to be Determined by Committee

Director: Martin Woods (Service Delivery)
Service Manager: David Norris, Development Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area East Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 10.30am.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 10.15am

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
13	CARY	17/03158/OUT	Erection of a detached dwelling and garage	Land OS 1394 Sparkford Road, South Barrow	Mr & Mrs C & M Kisielewski
14	CAMELOT	17/2045/FUL	Development of 29 dwellings including affordable housing with associated parking and landscaping	Land at Long Hazel Farm, High Street, Sparkford	Mr Morgan – Ashford Homes (South West) Ltd
15	CAMELOT	17/02044/FUL	Development of 6 dwellings with associated parking and landscaping	Land at Long Hazel Farm, High Street, Sparkford	Mr Morgan – Ashford Homes (South West) Ltd

Further information about planning applications is shown on the following page and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda has been prepared.

Referral to the Regulation Committee

The inclusion of two stars (**) as part of the Development Manager's recommendation indicates that the application will need to be referred to the District Council's Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to District Council's Regulation Committee even if it has not been two starred on the Agenda.

Human Rights Act Statement

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

Agenda Item 13

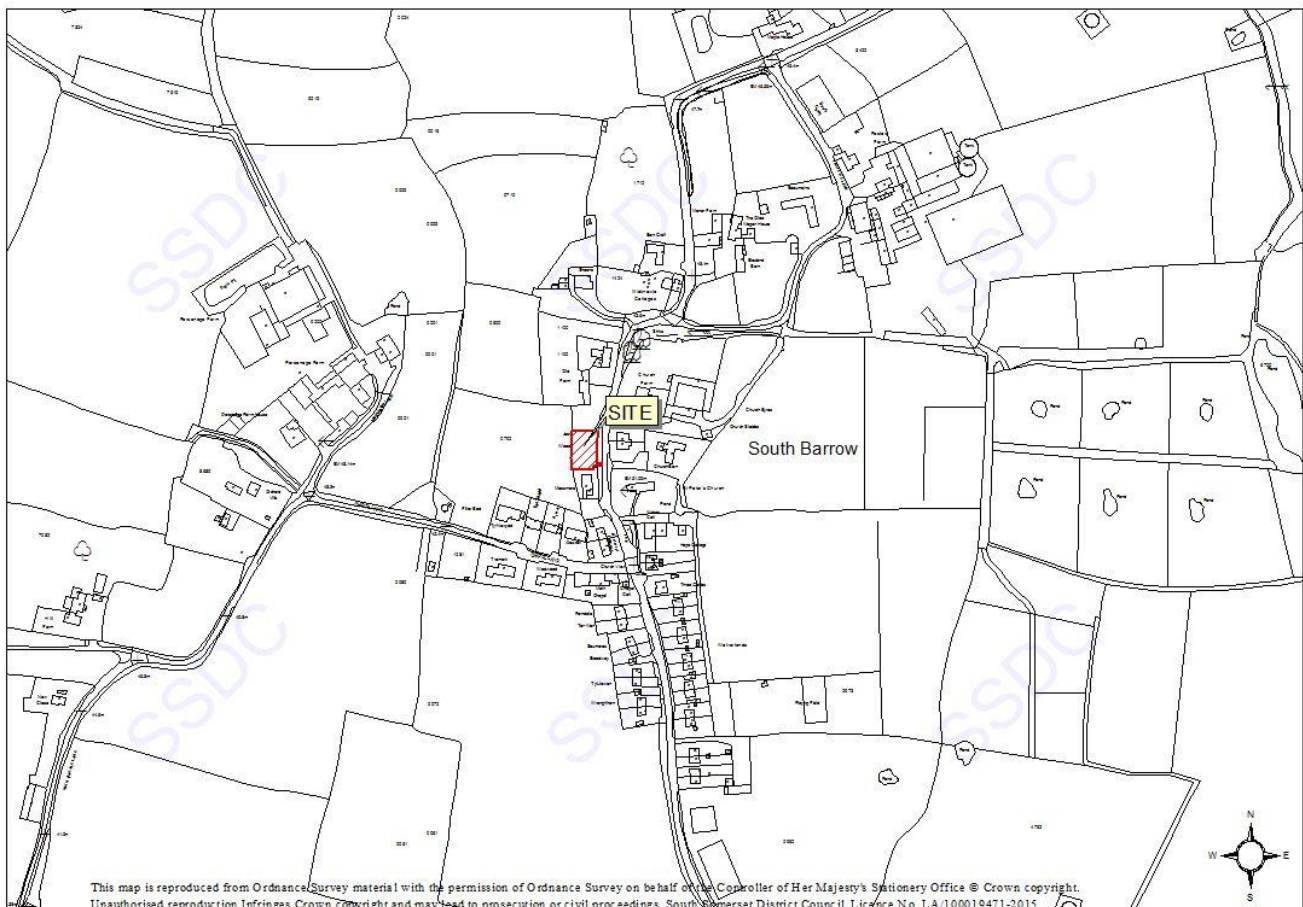
Officer Report On Planning Application: 17/03158/OUT

Proposal:	Erection of a detached dwelling and garage
Site Address:	Land OS 1394 Sparkford Road South Barrow
Parish:	South Barrow
CARY Ward (SSDC Member)	Cllr Nick Weeks Cllr Henry Hobhouse
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date:	22nd September 2017
Applicant :	Mr & Mrs C & M Kisielewski
Agent: (no agent if blank)	Mr Matthew Williams Wessex House High Street Gillingham SP8 4AG
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is referred to Area East Committee at the request of the Ward Member Cllr Weeks and with the agreement of the Deputy Chair Cllr Colbert to allow the neighbour concerns to be considered more fully.

SITE DESCRIPTION AND PROPOSAL





This application is seeking outline planning consent, with all matters reserved, to erect a single detached dwelling with garage.

The application site forms part of the curtilage of Old Farm, a grade II listed residential property. The site does not have a manicured appearance however it does appear to form part of the garden belonging to the Old Farm house. The site is surrounded by hedgerows and mature trees on three sides (to the east, south and west). It is adjacent to the access and parking area that serves the existing house with neighbouring residential properties to the south and on the opposite side of the road to the east, with agricultural farmland to the west. There is a public right of way, footpath WN 25/5, that passes through the grounds of the Old Farm house but outside the redline site area. St Peters Church, which is grade II* listed, is situated a short distance to the southeast of the site.

HISTORY

06/03769/OUT: Erection of a dwelling. Refused for the following reason:

- 01. The site for the proposed dwelling lies outside the Development Area of any town or village. The development would not benefit economic activity or maintain and enhance the environment; and would foster growth in the need to travel, and as no overriding justification has been demonstrated, the proposal is contrary to Policy ST3 of the South Somerset Local Plan (adopted April 2006) and Planning Policy Statement no.7 (2004).
- 02. The site is located within South Barrow, which is remote from local facilities and services and therefore, it is considered that the residents of the proposed dwelling would be reliant on the use of their private vehicles for the majority of their domestic needs. As such, the development proposal would represent unsustainable development in terms of transport being contrary to

policies ST5 of the South Somerset Local Plan (adopted April 2006), STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and to advice contained within Planning Policy Guidance 13 and the Regional Spatial Strategy.

03. The proposal would result in the loss of an important gap, resulting in the undesirable consolidation of the existing pattern of development in the village. This would be detrimental to the rural character and appearance of this part of South Barrow and would set a precedent for similar development elsewhere in the village contrary to Policies ST5 and ST6 of the South Somerset Local Plan (adopted April 2006).

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

SS2 - Rural Settlements

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ5 - Green Infrastructure

National Planning Policy Framework

Part 1 - Building a strong, competitive economy

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 10 - Meeting the challenge of climate change, flooding and coastal change

Part 11 - Conserving and enhancing the natural environment

Part 12 - Conserving and enhancing the historic environment

CONSULTATIONS

Cary Moor Parish Council: Recommend approval on condition that the dwelling is set back from the road. The PC considers this to be a good site for a dwelling.

County Highways: Referred to their standing advice. Highlighted that there is a public right of way that passes close to the site.

SSDC Highway Consultant: Consider sustainability (safe accessibility and connectivity) in transport terms. The traffic impact of the development on the local highway network is unlikely to be significant. While access is a reserved matter (I would prefer details of access to be agreed at this stage), it is worth commenting upon this aspect of the proposal. I am not convinced that utilising the existing site entrance would provide safe and suitable access to the development scheme, given its close proximity to the neighbouring property and the high hedgerow that appears to front that property. That said, it might be possible to propose a suitable access layout elsewhere along the frontage but it would need to

incorporate the requisite details (i.e. suitable visibility splays commensurate with vehicle speeds, appropriate geometry and width, surfacing, drainage, etc.). On-site parking will need to accord with the SPS, in addition to the provision of on-site turning facilities.

County Rights of Way: No objections but noted that a public right of way (footpath WN 25/5) passes close to the site just to the north and made reference to their standing advice.

County Archaeology: No objections.

Wessex Water: Raised no objection.

Arborist: If consent is granted I would be grateful if a quality scheme of new shrub, hedge and tree planting could be secured for this pleasant rural location.

Ecology: There have already been some works to trees and some tree removal. The remaining pear tree could contain potential roost features for bats (e.g. hollows). I note the arborist's comments suggesting this may need to be removed to enable the development. If the application is granted, I recommend a condition requiring a bat survey prior to removal. I do not consider there to be any other significant ecological issues.

Conservation: No objection. The property to the north is listed. The land is in the same ownership as the listed building but the plot of land is quite separate from the main garden areas around the listed building. I am of the view that building on the application site will not cause harm to the setting of the listed building, nor will it result in such a significant loss of curtilage that the future conservation of the listed building would be in doubt.

REPRESENTATIONS

Written representations have been received from one local household raising the following objections and observations:

- Loss of outlook. The proposal immediately opposite our home will completely detract from our rural outlook.
- Loss of privacy. The new house will look directly into us.
- Loss of light - the new house will deprive us of a significant amount of later afternoon and early evening light.
- Disturbance from construction works. A number of years ago a barn to the rear of us was converted to a dwelling. For more than one year we suffered tremendous inconvenience from the contractor's vehicles comings and goings, obstruction to our access and mud everywhere. There is no safe on road parking for contractors.
- The vehicular access point has not been in use at any time during the nearly 30 years we have lived here and until quite recently was completely overgrown. A natural spring also rises in front of the vehicular access point, the flow of which the relevant water authorities have made repeated attempts to stem over the years.
- An earlier application on this site was refused due to poor / unsafe access. The situation has worsened since then due to the increased amount of larger vehicles that now pass by.

CONSIDERATIONS

This application is seeking outline consent, with all matters reserved, for the erection of a single dwelling on this site.

It is noted that there was an earlier application made in 2006 for a similar scheme on this site which was

refused in part for sustainability reasons. Since this time the policy situation has altered significantly as a result of the introduction of the National Planning Policy Framework in place of the Planning Policy Statements as well as a new local plan. The current application must therefore be assessed against the current policy backdrop.

The site is located outside of any development areas or directions of growth as defined by the local plan. As such, policy SS2 of the South Somerset Local Plan is of most relevance. However, elements of policy SS2 must be considered out of date, as SSDC cannot currently demonstrate a five year supply of housing land. It is noted that South Barrow would be considered as a broadly sustainable location under policy SS2, as it contains at least two basic services and facilities - in this case a recreation ground and church/village hall. The principle of modest residential development within the settlement must therefore be considered acceptable, subject, of course, to full consideration of site specific impacts. Furthermore the benefit of contributing to the supply of housing in the district outweighs the lack of local benefits that would have been previously required by policy SS2.

It is therefore considered that, notwithstanding local concerns regarding the need for the proposed dwellings and lack of compliance with local plan policy, the principle of development is acceptable in accordance with the aims and provisions of the NPPF.

Pattern of development / visual amenity

Firstly it is noted that the pattern of development in South Barrow is in the main characterised as being linear in nature and it is accepted that this proposal will be in accordance with this.

The third and last reason for refusal of the aforementioned 2006 application identified the site as an important gap and that the proposal to put a house on this site would result in an undesirable consolidation of the existing pattern of development in the village to the detriment of the rural character and appearance of this part of the village.

It is considered that this site still represents a pleasing green gap within the streetscene although some of the trees on the site have recently been removed or had works carried out to them to reduce their canopy. None of the trees on the site are subject to a preservation order and the site is not within a conservation area, as such the applicant was at liberty to carry out such works. Whilst the remaining trees still collectively give an impression of a fairly green appearance to the site none of them can be described as being of particular interest or quality and as such it is not considered to seek their protection through a Tree Preservation Order. It is noted that the Council's arborist has not objected to this scheme.

Whilst the site does currently offer a green space in the streetscene it is not considered that the retention of this green gap is intrinsic to maintaining the prevailing character of South Barrow and the immediate locality of the site. At present the roadside frontage is contained by a picket fence and it is acknowledged that the proposed development is likely to result in the loss of most of the few remaining trees growing along its frontage. However, bearing in mind the extent of mature tree planting that exists in the locality on neighbouring land both on the applicant's property and on the other side of the road to the northeast the general character of the locality will still maintain a pleasing green character. Subject to any permission granted including a condition that secures a detailed planting scheme, which should ideally include a new roadside hedge as well as some specimen tree planting, it is considered that the proposal should not result in any substantive harm to the distinctive character of locality or the wider village and to accord with policy EQ2 of the local plan.

Impact on the setting of listed buildings

The Conservation Officer has been consulted and made comment on this proposal and concluded that he is satisfied that the proposal will not be harmful to the setting of the original listed house, noting that the application site is quite separate from the main garden area that serves this listed property. He did not make any specific reference to the nearby Church however the Church is already surrounded on

three sides by closer residential development. The proposal will not affect the agricultural views to the east of the Church and due to its position and distance from the Church and intervening development it is not considered to intrude into the setting of the Church.

Residential amenity

The occupiers of Woodbine Cottage, which is located directly on the opposite side of the road from the site, have objected to this proposal on the basis that it will be harmful to their privacy, result in loss of light, affect their outlook and that it will cause them disturbance as a result of the construction works.

Whilst these concerns are noted and it is accepted that they are very likely to be negatively impacted upon by the proposal it is not considered that the resulting harms will be so significant as to constitute a demonstrable loss of harm to their residential amenity. Although it can be appreciated that their current outlook is across the applicant's garden and on to the fields beyond, the planning system makes no provision with regards to the protection of an individual's view, and in any case the introduction of a dwelling is not unusual and as such should not be unexpected in this village location.

In terms of the loss of light concerns, it is noted that Woodbine Cottage and its adjoining neighbour are set back from and raised up slightly above the road. It is considered that due to the intervening distance between the existing cottages and the site opposite there is no reason why a proposal could not be designed at reserved matters stage in such a manner that avoids any significant loss of light to these properties.

With regards to privacy issues, there is a public highway that passes between the application site and the neighbouring properties to the east and the resulting relationship of two properties facing each other across a road is a common one and is considered to be an acceptable relationship.

In all other respects the proposal is considered to be acceptable from a neighbour amenity point of view.

Highway safety

The neighbours' have also objected on the basis of highway safety with regard to the position of the proposed access and indeed the Council's Highway Consultant has raised concerns in respect of the proposed position of the access.

The application however is outline only with all matters reserved including detailed matters relating to access. Whilst it is accepted that the point of access set out on the indicative layout plan would be of concern due to the poor visibility to the south where the visibility splay crosses over neighbour's land. However, it is considered that an appropriate level of the visibility in both directions could be achieved if the access were moved a short distance to the north away from the neighbour's boundary. It is therefore considered that provided any consent includes a condition to secure visibility splays as required by the Highway Authority's standing advice, i.e. measured 2.4m back from the carriageway edge and 43m in either direction to the nearside carriageway edge, that the proposal will be served by a safe and suitable means of access. On this basis the proposal is not considered to give rise to any significant highway safety concerns.

Other matters

- The Ecologist has raised the possibility that the pear tree on site, which is likely to be lost as a result of this proposal could provide potential roost features for bats, he has therefore requested that a full bat survey including any mitigation measures be undertaken before the tree is felled.
- The neighbour has stated that there is a spring at the point of the proposed vehicular access. There was no sign of a spring at the time of carrying out the site visit and in any case, as mentioned above, the access will need to be in a different position to that indicated for highway safety reasons and so there is no reason why the access should disturb the spring.

Conclusion

For the reasons set out above the proposed development raises no substantive concerns, is considered to constitute a sustainable form of development that accords with the requirements of local plan policies TA5, EQ2, EQ3, EQ4 and EQ5 and as such is recommended for approval.

RECOMMENDATION

Grant consent for the following reasons:

The proposed development, due to its location, scale and nature, constitutes a sustainable form of development that makes efficient use of land and respects the setting of the adjacent listed buildings without causing any demonstrable harm to visual amenity, residential amenity, highway safety, ecology or the environment in accordance with the aims and objectives of policies SS2, TA6, EQ2, EQ3, EQ4 and EQ5 of the South Somerset Local Plan as well as the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

02. All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to scale, layout, access, appearance and landscaping to the local planning authority before the expiration of three years from the date of this permission, and before any development is commenced on site.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. The development hereby permitted shall be carried out in accordance with the site location plan received 28/07/2017

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

04. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility splays shall be fully provided before the dwelling hereby approved is first occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

05. No works shall be undertaken unless there has been submitted to and approved in writing by the Local Planning Authority, a scheme of tree and shrub planting. Such a scheme shall include planting locations, numbers of individual species, sizes at the time of planting, details of their root-types and the date of planting. The installation details regarding ground preparation, weed suppression, staking, tying, guarding and mulching shall also be included in the scheme. All planting comprised in the approved details shall be carried out within the dormant planting season (November - February inclusively) following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of five years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs

of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

06. Prior to any removal of the mature pear tree, a bat roost assessment shall be undertaken by an appropriately qualified person (a licenced bat consultant and/or tree climber qualified to inspect for potential bat roost features), and submitted for approval in writing by the local planning authority. The assessment may need to be supplemented by a bat emergence survey undertaken in the period of May to September. Any mitigation or precautionary measures recommended by the consultant, and deemed necessary for the avoidance of harm, mitigation or compensation, and necessary for compliance with the relevant wildlife legislation, shall be implemented.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with Policy EQ4 of the South Somerset Local Plan, The Habitats Regulations 2010, and The Wildlife and Countryside Act 1981 (as amended).

Informatives:

01. The applicant's attention is drawn to the traditional character of the surrounding character and the need to respond positively to this in the detailed design of the proposed dwelling.

Agenda Item 14

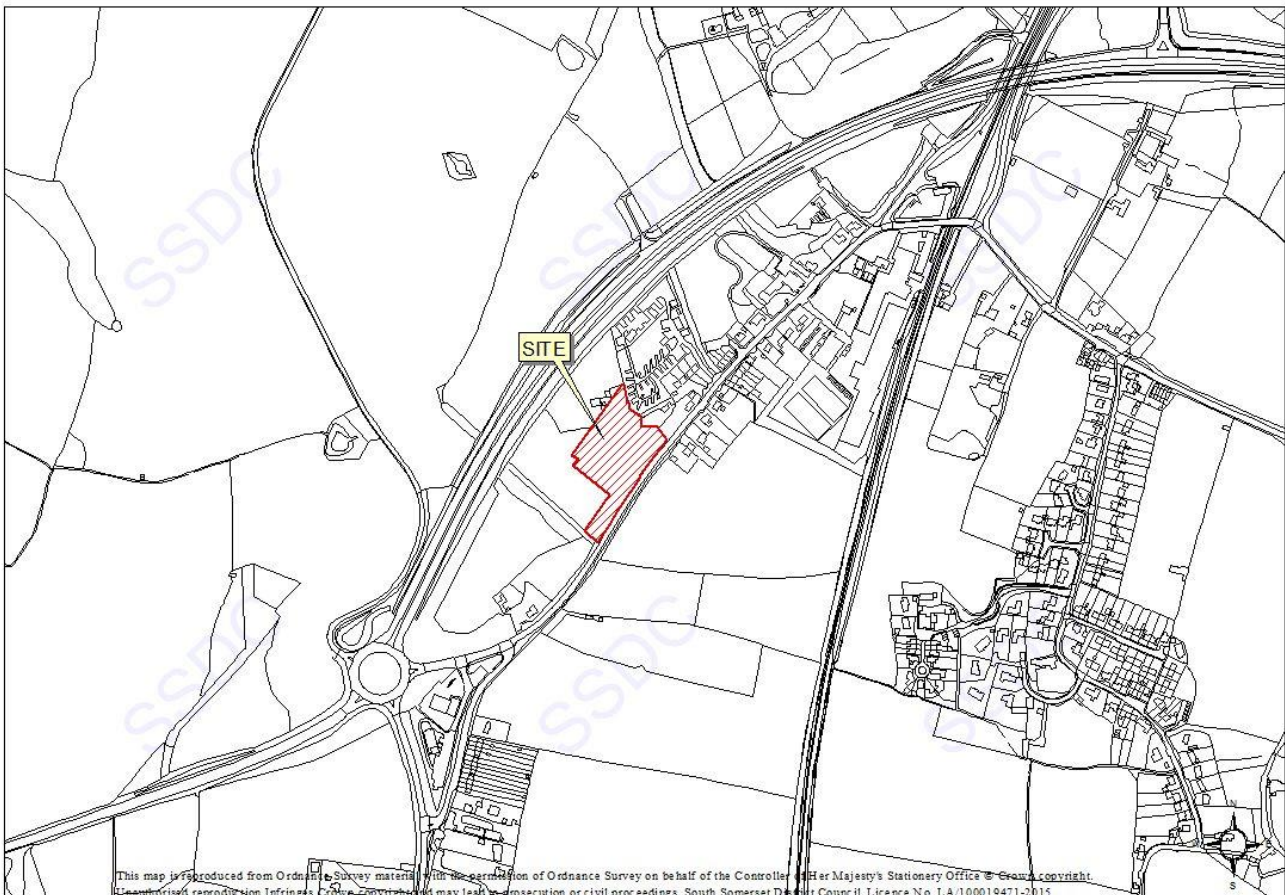
Officer Report On Planning Application: 17/02045/FUL

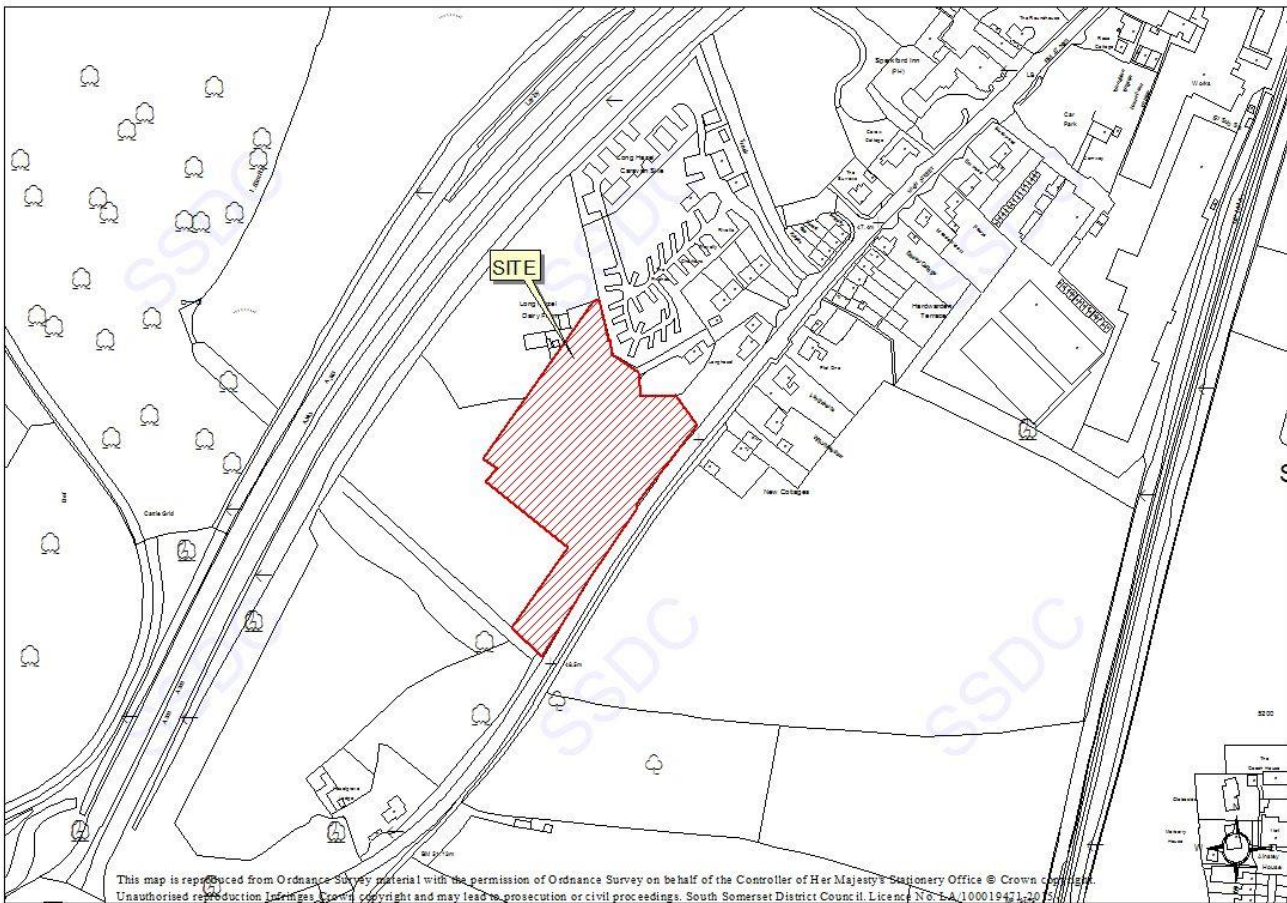
Proposal :	Development of 29 dwellings including affordable housing with associated parking and landscaping
Site Address:	Land At Long Hazel Farm High Street Sparkford
Parish:	Sparkford
CAMELOT Ward (SSDC Member)	Cllr Mike. Lewis
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	4th August 2017
Applicant :	Mr Morgan - Ashford Homes (South West) Ltd
Agent: (no agent if blank)	Mr Mike Payne Boon Brown Architects Motivo Alvington Yeovil BA20 2FG
Application Type :	Major Dwlgns 10 or more or site 0.5ha+

REASON FOR REFERRAL

The application has been referred to Area East Committee at the request of the Ward Member Cllr Lewis and with the agreement of the Area Chair Cllr Weeks to allow further discussion of the issues relating to the planning obligations and viability.

SITE DESCRIPTION AND PROPOSAL





This level 1.16 hectare site comprises a residential barn conversion, the former yard of Long Hazel Dairy Farm, now in use as a motor vehicle upholstery business, a paddock and existing vehicular access. It is on the western edge of Sparkford village, on the northside of the A359.

Previously permission has been granted for 28 dwellings. This scheme is for 29 units on an amended layout that incorporates land in the south east corner of the site that was previously omitted. The land to the north and the west is subject to associated applications for employment development (17/02046/FUL) and 6 dwellings (17/02044/FUL) respectively.

To the north is the A303; to the east is the caravan park at Long Hazel Park, to the west and south is agricultural land. Immediately to the southwest is the original listed gate house that once served Hazelgrove House, c. 800m to the north and now severed from this historic entrance by the A303.

The scheme has been amended to address concerns raised and proposes the demolition of all existing structures and the erection of a mix of 2, 3 and 4 bedroom houses, with 1 one-bedroom flat over a garage.

RELEVANT HISTORY:

17/02044/FUL Development of 6 dwellings with associated parking and landscaping on land to west

Approved applications:

17/02046/FUL: Development of flexible B1, B2 and B8 commercial floor space with associated parking

and landscaping on land to north. Permitted.

14/01958/FUL: Permission granted for the erection of 28 dwellings and 1 Commercial Unit all with associated highways and landscaping. Permitted, subject to a Section 106 Agreement to deliver the required affordable housing and leisure contributions.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 - 2028.

SD1 - Sustainable Development

SS2 - Development in Rural Settlements

SS6 - Infrastructure Delivery

HG3 - Provision of Affordable Housing

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 - Provision of open space, outdoor playing space, sports, cultural and community facilities in new development

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ7 - Pollution Control

National Planning Policy Framework

Part 1 - Building a strong, competitive economy

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 8 - Promoting Healthy Communities

Part 10 - Meeting the challenge of climate change, flooding and coastal change

Part 11 - Conserving and enhancing the natural environment

Part 12 - Conserving and enhancing the historic environment

CONSULTATIONS

Sparkford Parish Council: initially observed:-

1. The drainage issues were discussed at length by Parish Councillors. The main problem revolves around surface water surge when the tanks are full. Proper provision must be made for overflow. In addition the pinch points downstream must be tested to ensure adequacy. All road surfaces and hard standing areas must be porous to ameliorate surge run off. The Parish Council request confirmation that all of these issues have been addressed and resolved prior to a decision on the planning applications, it should be noted that numerous issues with surface water drainage in the village have been reported to Wessex Water and the Environment Agency so it is essential that these are checked and confirmation sought from Wessex Water about how and when the continuing issues will be resolved before adding any additional properties to the sewer/drainage network. SSDC Planning need to obtain a guarantee from Wessex Water that there will be no more foul water surcharging onto the highway at Church Road before any further planning approvals are issued and a guarantee from the Environment Agency that the culvert that runs under Church Road and the River Cam can cope with the extra water from this and other

developments.

2. The tree planting and noise bund between the domestic housing and the commercial buildings should be extended to the NE corner to protect the residents at Long Hazel caravan park. The noise bund should be to a national standard.
3. The industrial units need to have a 6 day restriction so that they do not trade on Sunday's and night hours restriction for working and HGV vehicles including loading/unloading.
4. One Business Park sign at the entrance to the development should be the only signposting to the business park. There should be no other business signage on the High Street.
5. The suggestion of 9 affordable houses is deemed suitable for this site but we would prefer that the affordable housing element should be split 80% shared ownership and 20% social housing but it is essential that all three bedroom houses have three reasonable sized bedrooms to accommodate families. We would also request that these properties are offered/allocated to people with a local connection.
6. We would recommend that there are two parking spaces for all properties including one bedroom properties and a condition included to ensure that no on street parking on the High Street is permitted.
7. We would request that the large industrial unit stays as separate starter units to help small businesses.

Please could you respond to advise that all of the above points have/can be addressed including confirmation of how.

If all of these issues are addressed then the Parish Council would look to support all the planning applications.

In response to the revised details it has been confirmed that :-

Sparkford Parish Council support the amendments to the above planning application but as per the previous comments that were submitted we request that appropriate drainage conditions are included to prevent any further issues arising and also a condition included to ensure that no on street parking on the High Street is permitted. Please could you also ensure that commercial operational hours are restricted to Monday to Friday 7am - 7pm and Saturday 8am - 1pm with no working permitted on Sunday.

County Highways: Initially raised a number of concerns:-

The Highway Authority has no objection in principle to the proposed overall development of 35 new dwellings and 2,297.5m² GFA of commercial use, of which this application forms a part, subject to the confirmation of the impacts detailed in the Transport Statement (which appears to have been based on the development of only 1,650m² GFA of commercial development).

The parking provision for the 29 new dwellings in this application is significantly below the optimum provision, and risks unsuitable parking pressure on the adjacent highway network. It is recommended that the applicant revisit the design to provide appropriate parking for the properties proposed.

A number of issues would need to be addressed within the detailed design. Of particular note is that the needs of non-motorised users should be fully considered, including the provision of an appropriate uncontrolled crossing of the A359 to provide good links to the highway network and on to existing local facilities.

The proposals will require works on the existing highway land, which should be controlled under a Section 278 Agreement, and the applicant appears to wish to put forward some roads and footways for adoption, which would require a Section 38 Agreement. It is recommended an advisory note be attached to any planning certificate to remind the applicant of the need to allow sufficient time for any

approvals and agreements before construction works commence. The future maintenance responsibilities regarding the proposed village square will need to be confirmed prior to the adoption of the adjacent roads and footways. In addition, the Highway Authority recommends that suitable Travel Planning fees and safeguarding sums be secured by the Local Planning Authority under a Section 106 Agreement.

In the event these issues are addressed conditions are recommended.

Subsequently it was confirmed that the amended Transport Statement is acceptable and the following detailed comments were offered:-

It appears that the amendments proposed which may have an effect on the highways and transportation impacts of the development are shown on drawing 3718/ 30 A, namely:

- Plots 30-31 parking revised; and
- Red line adjusted adjacent to P14 parking spaces.

The revision of parking includes the provision of one additional parking space. This is shown on the plan as allocated to plot 30, but is assumed to be an additional space for the 1 bed plot 31, as I understand was requested by the parish council (although the plot schedule has not been updated). The Highway Authority has no objection to this additional space, but notes that the overall parking provision still appears to be significantly less than the optimum, as highlighted in my response of 23 June, and it will be for the Local Planning Authority to determine whether this is acceptable when balanced against all other aspects of this proposal.

I would point out that a level of parking provision below the optimum, as put forward by the applicant, would strengthen the need for a high quality Framework Travel Plan, the development and implementation of which should be secured through a Section 106 agreement, as previously recommended.

The adjustments to the red line site boundary affects the manoeuvring space for the parking places allocated to plot 14, and the applicant should confirm that these spaces, and indeed the parking court itself, remain fully accessible.

While writing, I would point out that no changes have been made to address the apparent substandard width of the shared surface behind plots 25 and 26, and as such this shared surface does not appear to be to an adoptable standard and would remain a private road (and thus subject to APC), although it is assumed this would not affect the Local Planning Authority's considerations regarding planning approval.

Highways England: No objection.

Lead Local Flood Authority (LLFA): Initially objected and asked for further drainage details. Objection withdrawn upon receipt of additional details and conditions recommended to secure agreement of technical details and subsequent maintenance.

SSDC Landscape Officer: Initially requested amendments, no objection to revised scheme

SSDC Conservation Officer: No objection subject to revisions suggested by landscape architect

SSDC Tree Officer: Initially raised the following concerns:

Adjoining the North-Eastern corner of the site is a notable Oak tree located within the hedgerow. It has a 13.8 metres radial Root Protection Area (RPA) requirement that is encroached by the proposed lorry

parking bays (Ref: 17/02046/FUL).

May I suggest that the lorry bays are either re-located or specially engineered using a permeable no-dig anti-compaction cellular confinement product. The use of 'Grasscrete' in the North-Western corner of the site within the radial RPA of the woodland belt (subject to the SSDC [Sparkford No 2] TPO 2007) is also a concern.

Plots 02, 03 & 04 are located quite close to the mature woodland belt to the West, which may cause quite an obstruction of sunlight availability to those dwellings, particularly in the afternoon and evenings. The West facing gardens are located within the radial RPA requirements of the protected woodland, so careful design of soakaways and below-ground utilities should be ensured. Furthermore, it would seem prudent to install 'Hedgehog' style gutter-guards to these particular plots in order to lessen the nuisances associated with falling leaves.

I have noted that much of the screen planting for the commercial site consists of native Alder. Whilst these trees would initially grow rapidly, in my experience; it is very likely that they will prematurely die as their water demands increase as they grow larger. The site is simply too dry for native Alder - particularly if the intent is to plant on top of compacted earthen bunds. May I suggest Italian Alder (*Alnus cordata*) as a more drought-tolerant alternative. They have the same ecological benefits and similar appearance with improved leaf-retention/screening values and larger/quicker growth.

SSDC Strategic Housing: In relation to combined scheme for 34 additional houses requests 35% affordable housing based on a tenure split of 80/20 in favour of rented accommodation.

SSDC Climate Change Officer: Notes the potential for houses to install PV.

SSDC Ecologist: No objection subject to safeguarding conditions

SSDC Leisure Policy: Comments provided in relation to this application and the associated residential proposal for 6 dwellings on the adjoining site to the west, a net increase of 34 houses. A contribution of £75,099, (equating to £2,231 per dwelling) is sought towards meeting the increased demand for outdoor playing space, sport and recreation facilities should the scheme be approved as follows:

- £25,464 towards the enhancement or expansion of the existing play area at Sparkford Playing Field;
- £5,000 towards the enhancement or expansion of the youth facilities at Sparkford Playing Field;
- £25,988 towards enhancing the changing rooms at Sparkford Cricket Club;
- £18,648 as a commuted sum towards the above;
- £751 administration fee.

Education Authority (SCC): A scheme of 35 dwellings, when considering the two applications together 17/02045/FUL and 17/02044/FUL, would require 7 primary school places for early years provision at a cost of £14,175 per place. Thus the figure requested is £99,225.

Police Architectural Liaison Officer: No objection subject to suggested revisions.

SCC Archaeologist: No objection subject safeguarding condition.

Wessex Water: No objection

REPRESENTATIONS

Written representations have been received from 2 local households raising the concerns and

comments with regard to the following matters:

- Land ownership issue identified between the site and the adjoining caravan park;
- All 3 applications should be considered together;
- Cumulative impact on settlement especially with other developments;
- Impact on wildlife;
- Light pollution;
- Drainage issues;
- Impact on trees; and
- Impact of employment area.

CONSIDERATIONS

This application follows the granting of permission last year under application 14/01958/FUL for the erection of 28 dwellings and an industrial unit on this site.

The current application has been submitted alongside two other applications, one of which is seeking an industrial unit (ref. 17/02046/FUL) and has already been approved and the other for an additional six houses (ref. 17/02044/FUL). Whilst the application has been submitted as a standalone application, the applicant's initial view that the proposal should be viewed wholly independently of the other two applications is not accepted. All three applications relate to a single open site that is in the same land ownership and it is considered appropriate to consider these three piecemeal applications altogether as a comprehensive development of this site, especially given it is intended that these applications will effectively supersede the earlier approved scheme.

Principle

The site is located outside any development areas or directions of growth as defined by the local plan, as such policy SS2 of the South Somerset Local Plan is of most relevance in considering the principle of allowing such a new build residential development in this location. It must be recognised however that elements of policy SS2 should be considered out of date given that the Council cannot currently demonstrate a five year supply of housing land.

It is noted that Sparkford would be considered as being a broadly sustainable location under policy SS2, as it contains a good range of local services and facilities - in this case a convenience store, garage, public house, church, village hall, recreational ground, cricket ground as well as good local employment opportunities. On this basis it is considered that Sparkford is a sustainable location for a development of this size, which would not be out of scale with the settlement.

With regard to possible cumulative impacts of the proposal with others recently approved in Sparkford it is not considered that these would result in an inappropriate level of growth for a sustainable rural settlement such as Sparkford, which also benefits from better than average transport links (A303/A359) and is well served by employment opportunities. On this basis when considered cumulatively with previous development it is not considered that the current proposal (along with that proposed under application 17/02044/FUL) is excessive, or out of character with Sparkford.

Therefore in terms of the location and scale, this proposed residential development is considered to broadly accord with the aims and objectives of sustainable development and to be acceptable in principle.

Impact on local landscape and visual amenity

The Landscape Officer and Conservation Manager have expressed reservations about the layout of the development as a whole and the relationship with the listed gate house. The applicant has amended the scheme in response to the issues raised and as a result these objections have been withdrawn.

In terms of the density, general layout and house design there are no specific concerns. The layout makes good use of the site and includes a range of house sizes from the smaller two-bedroom houses terraces and pairs to a mix of detached and semi-detached three and four bedroom houses. The palette of materials includes brick, reconstituted stone and render with tiled roofs. Overall the general design would not be at odds with existing development in the locality.

Conditions are recommended to ensure that appropriate material details are agreed and that the submitted landscape plan is adhered to. On this basis it is considered that the proposal would comply with policy EQ2 of the local plan.

Impact upon historic assets

The conservation officer is satisfied that the revised layout would safeguard the setting of the listed gate house to Hazelgrove House as required by policy EQ3. The County Archaeologist accepts that the same condition as imposed on the earlier permission would be in compliance with policy EQ3.

Residential Amenity

Concerns have been raised by the caravan site owners about possible loss of privacy however it is not considered that the proposed building would be so close as to adversely affect amenity, especially given the opportunity to provide boundary screening and the separation that exists between pitches on the caravan site.

There are no concerns with regard to the amenities of any existing residential properties and it is considered that the proposed layout would provide for adequate residential amenities for future occupiers. A construction management condition could be imposed to minimise the impact of the construction phase.

With regard to the commercial building to the rear, it is proposed that this would be screened by bunding and planting and would be built out in accordance with a noise mitigation scheme. These could be secured, by conditions imposed on any permission granted for 17/02046/FUL.

On this basis this proposal complies with the requirements of policy EQ2.

Highway Safety

The highway authority has no concerns about the proposed access arrangements or any impacts on the wider highways network. Whilst they point to the levels of parking as being sub-optimal it reflects the levels previously accepted and this is considered reasonable. A concern might be raised to the possibility of parking on the High Street, it would be unreasonable to presume that future residents would park on the main road. If this happens and proves to be a problem there is other, highways legislation to address the situation, additionally conditions are recommended to ensure that the provided parking is not converted to other uses.

On this basis, and subject to the conditions suggested by the highways authority it is considered that the proposal is consistent with policies TA5 and TA6.

Other Issues

The following comments are made in response to the Parish Council's concerns:

1. Surface water drainage - This application is supported by a Flood Risk Assessment which includes a proposed surface water drainage strategy and covers the whole development site including the two associated applications. Following the submission of further detailed drainage information the LLFA, the surface water drainage authority, has confirmed that they are satisfied that the site can be drained appropriately without causing any increased flood risk to the locality or neighbouring developments. Wessex Water has also raised no objection to this proposal. Subject to the imposition of a condition to secure a detailed drainage strategy the proposal is not

considered to give rise to any substantive drainage or flooding concerns.

2. Request to extend the tree planting and noise bund to the northeast corner to protect the residents at the caravan park - It is unclear what bund the PC are referring to as there is no such feature on the proposed plans. With regard to tree planting there is already extensive tree planting along the northeast boundary that adjoins the caravan park which is included within the proposed planting scheme. The industrial element of this site relates to a separate application, however, it can be confirmed that the Council's Environmental Health Officer was consulted on that application and raised no objection to the scheme. A condition was imposed as part of the permission granted to secure a noise attenuation scheme. On this basis it is considered that this element of the comprehensive scheme has been appropriately considered and that it will not result in any substantive harm to the amenities of occupiers of the caravan park.
3. Limitations to hours of operation for the industrial units - As the industrial element of the scheme has been submitted via a separate application it is not possible to limit working and delivery hours as part of the current application. However, it can be confirmed that a condition controlling such matters did form part of the relevant consent (17/02046/FUL).
4. There should be only one sign for the business park at the entrance - It is not possible to control what signage is installed through the current applications as this falls under separate advertisement legislation.
5. Affordable housing - Matters relating to affordable housing are addressed below in the Obligations section of this report.
6. On-site parking provision - This has been addressed under the Highways section of this report.
7. The large industrial unit should stay as separate starter units to help small businesses - As the industrial element of the scheme has been submitted via a separate application it is not possible to control such matters as part of the current application.

Further to the above, no substantive ecology or other environmental concern has been identified as part of this proposal which could not be satisfactorily addressed by way of planning conditions.

Any ownership issues (which are disputed by the applicant) should be addressed under other legislation, they are not considered to affect the planning merits of the proposal.

Community Infrastructure Levy

The 35 proposed houses would be CIL liable, with (possibly) a modest exception to be allowed for on the grounds of the demolition and redevelopment of the existing house and business.

Vacant Building Credit

Not applicable as existing commercial buildings are occupied by an operational business.

Planning Obligations

It is considered reasonable to consider the impact of this application and the associated application for 6 dwellings (17/02044/FUL) together as they are, to all intents and purposes, the same site that has been split into 2 applications for no obvious reason. The two are in the same ownership and it would be unjustified to allow an artificial site splitting exercise to avoid reasonable planning obligations.

The proposed development will result in an increased demand for outdoor play space, sport and recreation facilities and in accordance with policies HW1 an off-site contribution towards the provision and maintenance of these facilities is requested of £2,231 per dwelling (equating to an overall total of £75,099). The applicant has raised no objection to making these contributions.

Whilst policy HG3 would normally expect 35% affordable housing to be delivered it is to be noted that in rural settlements policy SS2 puts the emphasis on development "meeting an identified housing need". In the case of Sparkford there has been considerable delivery of rented accommodation and the parish council consider the suggestion of 9 affordable houses to be suitable for this site but would prefer the affordable housing element be split 80% shared ownership and 20% social housing (as opposed to the

offered 66/33 split).

The District Council's evidence indicates a need for 3 affordable homes in Sparkford and a further 6 in the adjoining parishes. It is considered therefore that the 9 houses offered are reasonably matched to local need and in this instance, notwithstanding the requirements of policy HG3, are considered acceptable in a rural settlement where policy SS2 applies. As requested by the PC it is suggested that these properties are initially offered/allocated to people with a local connection.

The Education Authority has identified that the two schemes when considered together would generate a need for an additional 7 primary school places, specifically for early years provision, at a cost of £14,175 per place, totalling £99,225. The applicant initially queried the need for this number of spaces and pointed out that no education contributions were sought in respect of the extant scheme relating to this site which granted permission for 28 dwellings. They also noted that no education contributions were sought in regard to other housing schemes that have been permitted in the village in recent years including:

- 16/00725/OUT: Erection of circa 45 dwellings on the Haynes Publishing site.
- 14/05052/FUL: Erection of 11 dwellings on land to the rear of The Burrows, High Street.
- 10/03926/OUT: Erection of 14 dwellings on the Old Coal Yard site.

The Education Officer responded with the following breakdown:

"The original application was received in May 2014. At this time Countess Gytha had 144 pupils on roll, but the 2014 school population forecast indicated that this number would fall to 108 - therefore there was no requirement for education contributions at this time.

Excluding applications 17/02045/FUL & 17/02044/FUL which total 35 dwellings, there are currently applications for a further 92 dwellings and only 11 of these 92 dwellings are included in the 2016 published forecasts. All of these applications were registered after May 2014.

The 2015 published forecasts which would have been used to consider the development of 47 dwellings (we would not have considered contributions for a development of 11 dwellings and the development of 14 dwellings approved back in 2011) showed 156 on roll and again indicated that these numbers would fall to 150 by 2020.

The 2016 forecast (published in Feb 2017) shows 161 on roll, forecasts 161 in 2020 and 169 by 2021. This is an increase of 11 pupils on the 2015 forecast to 2020 and for the first time the forecasts are showing a continued rise in pupil numbers. If you add in the 81 dwellings (92 less 11 included in the forecasts) it would take the school a few places over capacity. This application of 35 dwellings tips the school over to requiring additional places and this will be the case for any further applications that are submitted within the catchment area for Countess Gytha Primary School.

As these applications are to be considered as one - 35 dwellings would require 7 primary school places. Thus the figure requested is £99,225.00".

The applicant has since raised viability concerns as a result of the requested planning obligations stating that the level of contributions being sought make the schemes financially unviable. They duly submitted a viability assessment which in turn has been passed to the District Valuer for scrutiny, which is the accepted practice in such circumstances. The conclusion of the DV's assessment however is that a policy compliant scheme, i.e. a scheme including all of the recreational and educational liabilities, affordable housing requirements as well as the need to pay CIL as identified above, would be viable.

The applicant however continues to contest this opinion although has chosen not to submit any further

information or evidence in support of their case and instead has confirmed that they are only willing to commit to the following obligations:

- Nine affordable units to be delivered as intermediate (shared ownership) tenure; and
- Contributions of £25,464 towards the enhancement or expansion of the existing play area at Sparkford Playing Field; and
- Contributions of £25,988 towards enhancing the changing rooms at Sparkford Cricket Club.

The applicant states that with these reduced obligations they expect the development profit to still fall significantly below what would normally be expected but that they have chosen to take a "pragmatic view as a reflection of our commitment to deliver both an exemplary scheme and wider benefits to the local community of Sparkford".

Unfortunately due to the lack of any further information provided in response to the District Valuer's analysis the applicant's claim remains unsubstantiated. Bearing in mind that the District Valuer is a qualified independent assessor in this field his views cannot be ignored in the consideration of this application.

The application as it currently stands therefore represents the loss of any social rented housing, the loss of £5,000 towards enhancing or expanding the youth facilities at Sparkford Playing Field and £18,648 towards ongoing maintenance of facilities at the Sparkford Cricket Club and Playing Field, all of which they had previously agreed to. It also includes the omission of £99,225 required for new school places as requested by the Educational Authority.

These obligations have been identified by the relevant authorities as being necessary to meet the district's social housing needs as well as the increased demand resulting from the development in respect of local recreational facilities and educational facilities. No adequate justification has been provided to demonstrate that such identified obligations would make the scheme unviable, as such the loss of these obligations is considered to be unjustified and the proposal fails to make adequate provision to mitigate the impacts of development on local facilities and services. The application is therefore at odds with the aims and objectives of local plan policies SD1, SS2, SS6, HG3 and HW1 and as such is recommended for refusal and is considered to be an unsustainable form of development.

Conclusion

The site is considered to be in a location where future residents will have good access to an appropriate range of day to day services and facilities and it is considered that the proposal would not result in any substantive adverse impacts with regards to nearby heritage assets, landscape character, ecology, drainage, visual amenity, residential amenity or other environmental concerns.

However, the applicant is refusing to fulfil all of the associated planning obligations that have been identified as being necessary to mitigate the impacts of the development upon local educational and recreational facilities or to provide an appropriate mix of on-site affordable housing. No adequate justification has been provided to demonstrate that such identified obligations would make the scheme unviable and the proposal therefore represents an unsustainable form of development that fails to deliver sufficient social and community facilities and services to meet the needs of the development, contrary to the requirements of local plan policies SD1, SS2, HG3 and HW1 and the provisions of the NPPF.

The application is therefore recommended for refusal.

RECOMMENDATION

Recommend refusal for the following reason:

01. The applicant has refused to agree to make provision for all of the reasonable planning obligations that have been identified as being necessary to mitigate the impacts of the development with regard to local education provision and recreational facilities or the provision of an appropriate mix of affordable housing. No adequate justification has been provided to demonstrate that the identified planning obligations would render this scheme financially unviable and the proposal therefore represents an unsustainable form of development that fails to deliver sufficient social and community facilities and services to meet the needs of the development, contrary to the aims and objectives of policies SD1, SS2, HG3 and HW1 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

Agenda Item 15

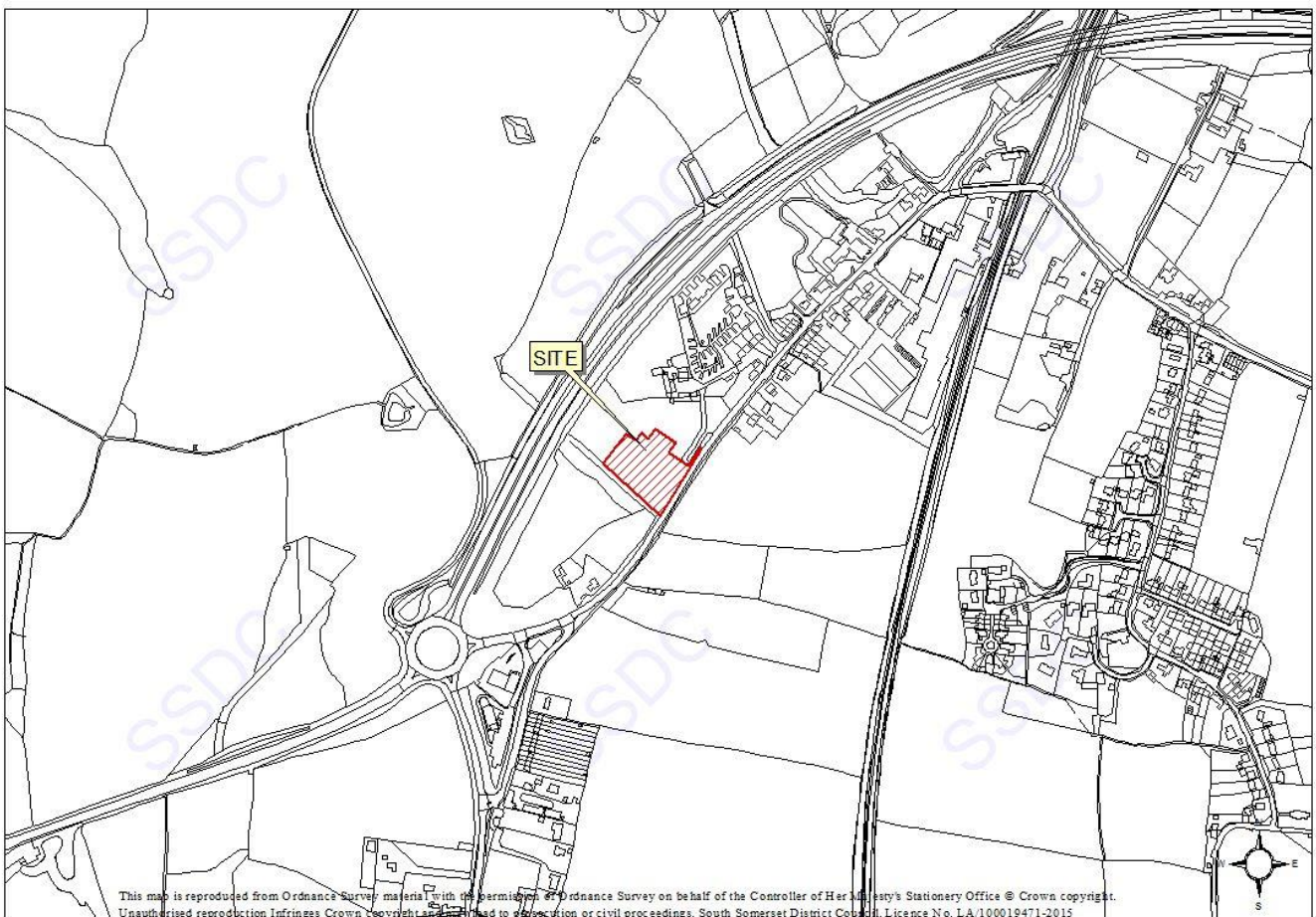
Officer Report On Planning Application: 17/02044/FUL

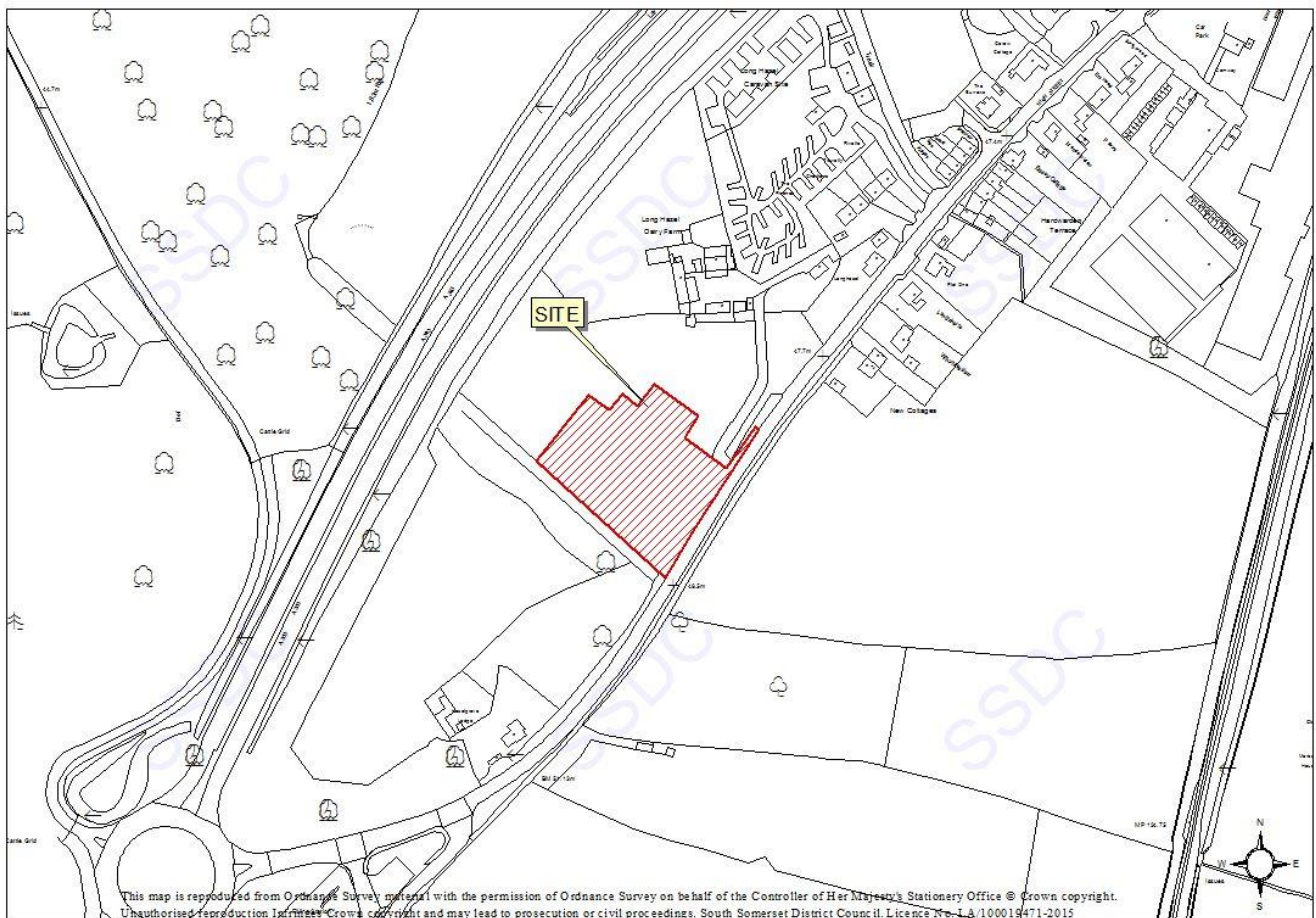
Proposal :	Development of 6 dwellings with associated parking and landscaping
Site Address:	Land At Long Hazel Farm High Street Sparkford
Parish:	Sparkford
CAMELOT Ward (SSDC Member)	Cllr M. Lewis
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	4th August 2017
Applicant :	Mr Morgan - Ashford Homes (South West) Ltd
Agent: (no agent if blank)	Mr Mike Payne Boon Brown Architects Motivo Alvington Yeovil BA20 2FG
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL

The application has been referred to Area East Committee at the request of the Ward Member Cllr Lewis and with the agreement of the Area Chair Cllr Weeks to allow further discussion of the issues relating to the planning obligations and viability.

SITE DESCRIPTION AND PROPOSAL





This level 0.6 hectare site comprises part of a field on the western edge of Sparkford village, on the north side of the A359.

Previously permission has been granted for 28 dwellings on the site to the east. This scheme is for 6 detached dwellings that would share an access with a revised scheme for 29 dwellings (17/02045/FUL) on the adjoining site. The land to the north is subject to an associated application for employment development (17/02046/FUL).

To the north is the A303; to the east is the caravan park at Long Hazel Park, to the west and south is agricultural land. Immediately to the southwest is the original listed gate house that once served Hazelgrove House, c. 800m to the north and now severed from this historic entrance by the A303.

RELEVANT HISTORY:

Associated pending applications

17/02045/FUL: Development of 29 dwellings with associated parking and landscaping on land to east.

Associated approved applications:

17/02046/FUL: Development of flexible B1, B2 and B8 commercial floor space with associated parking and landscaping on land to north. Permitted.

14/01958/FUL: Permission granted for the erection of 28 dwellings and 1 Commercial Unit all with associated highways and landscaping. Permitted, subject to a Section 106 Agreement to deliver the

required affordable housing and leisure contributions.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 - 2028.

SD1 - Sustainable Development

SS2 - Development in Rural Settlements

SS6 - Infrastructure Delivery

HG3 - Provision of Affordable Housing

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 - Provision of open space, outdoor playing space, sports, cultural and community facilities in new development

EQ2 - General Development

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Part 4 - Promoting sustainable transport

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Part 10 - Meeting the challenge of climate change, flooding and coastal change

Part 11 - Conserving and enhancing the natural environment

Part 12 - Conserving and enhancing the historic environment

CONSULTATIONS

Sparkford Parish Council: initially observed:-

1. The drainage issues were discussed at length by Parish Councillors. The main problem revolves around surface water surge when the tanks are full. Proper provision must be made for overflow. In addition the pinch points downstream must be tested to ensure adequacy. All road surfaces and hard standing areas must be porous to ameliorate surge run off. The Parish Council request confirmation that all of these issues have been addressed and resolved prior to a decision on the planning applications, it should be noted that numerous issues with surface water drainage in the village have been reported to Wessex Water and the Environment Agency so it is essential that these are checked and confirmation sought from Wessex Water about how and when the continuing issues will be resolved before adding any additional properties to the sewer/drainage network. SSDC Planning need to obtain a guarantee from Wessex Water that there will be no more foul water surcharging onto the highway at Church Road before any further planning approvals are issued and a guarantee from the Environment Agency that the culvert that runs under Church Road and the River Cam can cope with the extra water from this and other developments.
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3. The industrial units need to have a 6 day restriction so that they do not trade on Sunday's and night

- hours restriction for working and HGV vehicles including loading/unloading.
4. One Business Park sign at the entrance to the development should be the only signposting to the business park. There should be no other business signage on the High Street.
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 7. We would request that the large industrial unit stays as separate starter units to help small businesses

Please could you respond to advise that all of the above points have/can be addressed including confirmation of how.

If all of these issues are addressed then the Parish Council would look to support all the planning applications.

In response to the revised details it has been confirmed that :-

Sparkford Parish Council support the amendments to the above planning application but as per the previous comments that were submitted we request that appropriate drainage conditions are included to prevent any further issues arising and also a condition included to ensure that no on street parking on the High Street is permitted. Please could you also ensure that commercial operational hours are restricted to Monday to Friday 7am - 7pm and Saturday 8am - 1pm with no working permitted on Sunday.

County Highways: Initially observed:-

The Highway Authority has no objection in principle to the proposed overall development of 35 new dwellings and 2,297.5m² GFA of commercial use, of which this application forms a part, subject to the confirmation of the impacts detailed in the Transport Statement (which appears to have been based on the development of only 1,650m² GFA of commercial development).

A number of issues would need to be addressed within the detailed design. Of particular note is that the needs of non-motorised users should be fully considered, including the provision of an appropriate uncontrolled crossing of the A359 to provide good links to the highway network and on to existing local facilities.

The proposals will require works on the existing highway land, which should be controlled under a Section 278 Agreement, and the applicant appears to wish to put forward some roads and footways for adoption, which would require a Section 38 Agreement. It is recommended an advisory note be attached to any planning certificate to remind the applicant of the need to allow sufficient time for any approvals and agreements before construction works commence. The future maintenance responsibilities regarding the proposed village square will need to be confirmed prior to the adoption of the adjacent roads and footways. In addition, the Highway Authority recommends that suitable Travel Planning fees and safeguarding sums be secured by the Local Planning Authority under a Section 106 Agreement.

Conditions are recommended.

Subsequently it was confirmed that the amended Transport Statement is acceptable and the following

detailed comments were offered:-

Following the submission of amended plans for the above application (received at this office on 30 June 2017), I have reviewed the details available and cannot determine any changes that would affect the highways and transportation impacts of this proposal.

With this in mind, the Highway Authority has no further observations regarding this application. I apologise that it has taken some time for this to be confirmed.

However, I would point out while writing that no changes have been made to provide suitable pedestrian links from the shared surface access onto and across the proposed type 4 access road, and as such the shared surface road may not be suitable for adoption and would remain a private road (and thus subject to APC). It is assumed this would not affect the Local Planning Authority's considerations regarding planning approval.

Highways England: No objection

Lead Local Flood Authority (LLFA): initially objected and asked for further drainage details. Objection withdrawn upon receipt of additional details and conditions recommended to secure agreement of technical details and subsequent maintenance.

SSDC Landscape Officer: No objection to the revised scheme.

SSDC Conservation Officer: No objection subject to revisions suggested by landscape architect

SSDC Tree Officer: Initially raised concerns:-

Plots 02, 03 & 04 are located quite close to the mature woodland belt to the West, which may cause quite an obstruction of sunlight availability to those dwellings, particularly in the afternoon and evenings. The West facing gardens are located within the radial RPA requirements of the protected woodland, so careful design of soakaways and below-ground utilities should be ensured. Furthermore, it would seem prudent to install 'Hedgehog' style gutter-guards to these particular plots in order to lessen the nuisances associated with falling leaves.

I have noted that much of the screen planting for the commercial site consists of native Alder. Whilst these trees would initially grow rapidly, in my experience; it is very likely that they will prematurely die as their water demands increase as they grow larger. The site is simply too dry for native Alder - particularly if the intent is to plant on top of compacted earthen bunds. May I suggest Italian Alder (*Alnus cordata*) as a more drought-tolerant alternative. They have the same ecological benefits and similar appearance with improved leaf-retention/screening values and larger/quicker growth.

No objection to amended scheme.

SSDC Housing: in relation to combined scheme for 34 additional houses requests 35% affordable housing based on a tenure split of 80/20 in favour of rented accommodation.

SSDC Ecologist: no objection subject to safeguarding conditions

SSDC Leisure Policy: comments provided in relation to this application and the associated residential proposal for 29 dwellings on the adjoining site to the west, a net increase of 34 houses. A contribution of £75,099, (equating to £2,231 per dwelling) is sought towards meeting the increased demand for outdoor playing space, sport and recreation facilities should the scheme be approved as follows:

- £25,464 towards the enhancement or expansion of the existing play area at Sparkford Playing

Field;

- £5,000 towards the enhancement or expansion of the youth facilities at Sparkford Playing Field;
- £25,988 towards enhancing the changing rooms at Sparkford Cricket Club;
- £18,648 as a commuted sum towards the above;
- £751 administration fee.

Education Authority (SCC): A scheme of 35 dwellings, when considering the two applications together 17/02045/FUL and 17/02044/FUL, would require 7 primary school places for early years provision at a cost of £14,175 per place. Thus the figure requested is £99,225.

SSDC Environmental Protection Unit: No objection

Police Architectural Liaison Officer: No objection.

SCC Archaeologist: No objection subject safeguarding condition.

Wessex Water: No objection

REPRESENTATIONS

Written representations have been received from one local household raising the following issues:

- Land ownership issue identified between the wider site and the adjoining caravan park
- Why are the additional houses need?
- Initial objections of LLFA supported.
- Impact on amenity of area

CONSIDERATIONS

This application follows the granting of permission last year under application 14/01958/FUL for the erection of 28 dwellings and an industrial unit on this site.

The current application has been submitted alongside two other applications, one of which is seeking an industrial unit (ref. 17/02046/FUL) and has already been approved and the other for an additional 29 houses (ref. 17/02045/FUL). Whilst the application has been submitted as a standalone application, the applicant's initial view that the proposal should be viewed wholly independently of the other two applications is not accepted. All three applications relate to a single open site that is in the same land ownership and it is considered appropriate to consider these three piecemeal applications altogether as a comprehensive development of this site, especially given it is intended that these applications will effectively supersede the earlier approved scheme.

Principle

The site is located outside any development areas or directions of growth as defined by the local plan, as such policy SS2 of the South Somerset Local Plan is of most relevance in considering the principle of allowing such a new build residential development in this location. It must be recognised however that elements of policy SS2 should be considered out of date given that the Council cannot currently demonstrate a five year supply of housing land.

It is noted that Sparkford would be considered as being a broadly sustainable location under policy SS2, as it contains a good range of local services and facilities - in this case a convenience store, garage, public house, church, village hall, recreational ground, cricket ground as well as good local employment opportunities. On this basis it is considered that Sparkford is a sustainable location for a development of this size, which would not be out of scale with the settlement.

With regard to possible cumulative impacts of the proposal with others recently approved in Sparkford it is not considered that these would result in an inappropriate level of growth for a sustainable rural settlement such as Sparkford, which also benefits from better than average transport links (A303/A359) and is well served by employment opportunities. On this basis when considered cumulatively with previous development it is not considered that the current proposal (along with that proposed under application 17/02045/FUL) is excessive, or out of character with Sparkford.

Therefore in terms of the location and scale, this proposed residential development is considered to broadly accord with the aims and objectives of sustainable development and to be acceptable in principle.

Impact on local landscape and visual amenity

The Landscape Officer and Conservation Manager have not objected to the amended scheme.

In terms of the density, general layout and house design there are no specific concerns. The layout makes good use of the site and includes a range of house sizes and the general design would not be at odds with existing development in the locality.

Conditions are recommended to ensure that appropriate material details are agreed and that the submitted landscape plan is adhered to. On this basis it is considered that the proposal would comply with policy EQ2 of the local plan.

Impact upon historic assets

The conservation officer is satisfied that the revised layout would safeguard the setting of the listed gate house to Hazelgrove House as required by policy EQ3. The County Archaeologist accepts that the same condition as imposed on the earlier permission would be in compliance with policy EQ3.

Residential Amenity

There are no substantive concerns with regard to the amenities of any existing residential properties and it is considered that the proposed layout would provide for adequate amenities for future occupiers. A construction management condition could be imposed to minimise the impact of the construction phase.

With regard to the commercial building to the rear (17/02046/FUL), it is proposed that this would be used by the existing vehicle upholstery business. It is not considered that this would be incompatible with the proposed houses and a condition on any permission granted for that building could ensure the use is limited to this activity or other uses within the B1/B8 use classes which would also be acceptable in proximity to residential properties. Additional safeguarding conditions could be imposed as necessary.

On this basis the proposal complies with the requirements of policy EQ2.

Highway Safety

The highway authority has no concerns about the proposed access arrangements or any impacts on the wider highways network. On this basis, and subject to the conditions suggested by the highways authority it is considered that the proposal is consistent with policies TA5 and TA6.

Other Issues

The following comments are made in response to the Parish Council's concerns:

1. Surface water drainage - This application is supported by a Flood Risk Assessment which includes a proposed surface water drainage strategy and covers the whole development site including the two associated applications. Following the submission of further detailed drainage information the LLFA, the surface water drainage authority, has confirmed that they are satisfied that the site can be drained appropriately without causing any increased flood risk to the locality or neighbouring developments. Wessex Water has also raised no objection to this proposal. Subject to the

imposition of a condition to secure a detailed drainage strategy the proposal is not considered to give rise to any substantive drainage or flooding concerns.

2. Request to extend the tree planting and noise bund to the northeast corner to protect the residents at the caravan park - It is unclear what bund the PC are referring to as there is no such feature on the proposed plans. With regard to tree planting there is already extensive tree planting along the northeast boundary that adjoins the caravan park which is included within the proposed planting scheme. The industrial element of this site relates to a separate application, however, it can be confirmed that the Council's Environmental Health Officer was consulted on that application and raised no objection to the scheme. A condition was imposed as part of the permission granted to secure a noise attenuation scheme. On this basis it is considered that this element of the comprehensive scheme has been appropriately considered and that it will not result in any substantive harm to the amenities of occupiers of the caravan park.
3. Limitations to hours of operation for the industrial units - As the industrial element of the scheme has been submitted via a separate application it is not possible to limit working and delivery hours as part of the current application. However, it can be confirmed that a condition controlling such matters did form part of the relevant consent (17/02046/FUL).
4. There should be only one sign for the business park at the entrance - It is not possible to control what signage is installed through the current applications as this falls under separate advertisement legislation.
5. Affordable housing - - Matters relating to affordable housing are addressed below in the Obligations section of this report.
6. On-site parking provision - This has been addressed under the Highways section of this report.
7. The large industrial unit should stay as separate starter units to help small businesses - As the industrial element of the scheme has been submitted via a separate application it is not possible to control such matters as part of the current application.

Further to the above, no substantive ecology or other environmental concern has been identified as part of this proposal which could not be satisfactorily addressed by way of planning conditions.

Any ownership issues (which are disputed by the applicant) should be addressed under other legislation, they are not considered to affect the planning merits of the proposal.

Community Infrastructure Levy

The 35 proposed houses would be CIL liable, with (possibly) a modest exception to be allowed for on the grounds of the demolition and redevelopment of the existing house and business.

Planning Obligations

As noted earlier in this report it is considered reasonable to consider the impact of this application and the associated application for 29 dwellings (17/02045/FUL) together as they are, to all intents and purposes, the same site that has been split into 2 applications for no obvious reason. The two are in the same ownership and it would be unjustified to allow an artificial site splitting exercise to avoid reasonable planning obligations.

The proposed development will result in an increased demand for outdoor play space, sport and recreation facilities and in accordance with policies HW1 an off-site contribution towards the provision and maintenance of these facilities is requested of £2,231 per dwelling (equating to an overall total of £75,099). The applicant has raised no objection to making these contributions.

Whilst policy HG3 would normally expect 35% affordable housing to be delivered it is to be noted that in rural settlements policy SS2 puts the emphasis on development "meeting an identified housing need". In the case of Sparkford there has been considerable delivery of rented accommodation and the parish council consider the suggestion of 9 affordable houses to be suitable for this site but would prefer the

affordable housing element should be split 80% shared ownership and 20% social housing (as opposed to the offered 66/33 split).

The District Council's evidence indicates a need for 3 affordable homes in Sparkford and a further 6 in the adjoining parishes. It is considered therefore that the 9 houses offered are reasonably matched to local need and in this instance, notwithstanding the requirements of policy HG3, are considered acceptable in a rural settlement where policy SS2 applies. As requested by the PC it is suggested that these properties are initially offered/allocated to people with a local connection.

The Education Authority has identified that the two schemes when considered together would generate a need for an additional 7 primary school places, specifically for early years provision, at a cost of £14,175 per place, totalling £99,225. The applicant initially queried the need for this number of spaces and pointed out that no education contributions were sought in respect of the extant scheme relating to this site which granted permission for 28 dwellings. They also noted that no education contributions were sought in regard to other housing schemes that have been permitted in the village in recent years including:

- 16/00725/OUT: Erection of circa 45 dwellings on the Haynes Publishing site.
- 14/05052/FUL: Erection of 11 dwellings on land to the rear of The Burrows, High Street.
- 10/03926/OUT: Erection of 14 dwellings on the Old Coal Yard site.

The Education Officer responded with the following breakdown:

"The original application was received in May 2014. At this time Countess Gytha had 144 pupils on roll, but the 2014 school population forecast indicated that this number would fall to 108 - therefore there was no requirement for education contributions at this time.

Excluding applications 17/02045/FUL & 17/02044/FUL which total 35 dwellings, there are currently applications for a further 92 dwellings and only 11 of these 92 dwellings are included in the 2016 published forecasts. All of these applications were registered after May 2014.

The 2015 published forecasts which would have been used to consider the development of 47 dwellings (we would not have considered contributions for a development of 11 dwellings and the development of 14 dwellings approved back in 2011) showed 156 on roll and again indicated that these numbers would fall to 150 by 2020.

The 2016 forecast (published in Feb 2017) shows 161 on roll, forecasts 161 in 2020 and 169 by 2021. This is an increase of 11 pupils on the 2015 forecast to 2020 and for the first time the forecasts are showing a continued rise in pupil numbers. If you add in the 81 dwellings (92 less 11 included in the forecasts) it would take the school a few places over capacity. This application of 35 dwellings tips the school over to requiring additional places and this will be the case for any further applications that are submitted within the catchment area for Countess Gytha Primary School.

As these applications are to be considered as one - 35 dwellings would require 7 primary school places. Thus the figure requested is £99,225.00".

The applicant has since raised viability concerns as a result of the requested planning obligations stating that the level of contributions being sought make the schemes financially unviable. They duly submitted a viability assessment which in turn has been passed to the District Valuer for scrutiny, which is the accepted practice in such circumstances. The conclusion of the DV's assessment however is that a policy compliant scheme, i.e. a scheme including all of the recreational and educational liabilities, affordable housing requirements as well as the need to pay CIL as identified above, would be viable.

The applicant however continues to contest this opinion although has chosen not to submit any further

information or evidence in support of their case and instead has confirmed that they are only willing to commit to the following obligations:

- Nine affordable units to be delivered as intermediate (shared ownership) tenure; and
- Contributions of £25,464 towards the enhancement or expansion of the existing play area at Sparkford Playing Field; and
- Contributions of £25,988 towards enhancing the changing rooms at Sparkford Cricket Club.

The applicant states that with these reduced obligations they expect the development profit to still fall significantly below what would normally be expected but that they have chosen to take a "pragmatic view as a reflection of our commitment to deliver both an exemplary scheme and wider benefits to the local community of Sparkford".

Unfortunately due to the lack of any further information provided in response to the District Valuer's analysis the applicant's claim remains unsubstantiated. Bearing in mind that the District Valuer is a qualified independent assessor in this field his views cannot be ignored in the consideration of this application.

The application as it currently stands therefore represents the loss of any social rented housing, the loss of £5,000 towards enhancing or expanding the youth facilities at Sparkford Playing Field and £18,648 towards ongoing maintenance of facilities at the Sparkford Cricket Club and Playing Field, all of which they had previously agreed to. It also includes the omission of £99,225 required for new school places as requested by the Educational Authority.

These obligations have been identified by the relevant authorities as being necessary to meet the district's social housing needs as well as the increased demand resulting from the development in respect of local recreational facilities and educational facilities. No adequate justification has been provided to demonstrate that such identified obligations would make the scheme unviable, as such the loss of these obligations is considered to be unjustified and the proposal fails to make adequate provision to mitigate the impacts of development on local facilities and services. The application is therefore at odds with the aims and objectives of local plan policies SD1, SS2, SS6, HG3 and HW1 and as such is recommended for refusal and is considered to be an unsustainable form of development.

Conclusion:

The site is considered to be in a location where future residents will have good access to an appropriate range of day to day services and facilities and it is considered that the proposal would not result in any substantive adverse impacts with regards to nearby heritage assets, landscape character, ecology, drainage, visual amenity, residential amenity or other environmental concerns.

However, the applicant is refusing to fulfil all of the associated planning obligations that have been identified as being necessary to mitigate the impacts of the development upon local educational and recreational facilities or to provide an appropriate mix of on-site affordable housing. No adequate justification has been provided to demonstrate that such identified obligations would make the scheme unviable and the proposal therefore represents an unsustainable form of development that fails to deliver sufficient social and community facilities and services to meet the needs of the development, contrary to the requirements of local plan policies SD1, SS2, HG3 and HW1 and the provisions of the NPPF.

The application is therefore recommended for refusal.

RECOMMENDATION

Recommend refusal for the following reason:

01. The applicant has refused to agree to make provision for all of the reasonable planning obligations that have been identified as being necessary to mitigate the impacts of the development with regard to local education provision and recreational facilities or the provision of an appropriate mix of affordable housing. No adequate justification has been provided to demonstrate that the identified planning obligations would render this scheme financially unviable and the proposal therefore represents an unsustainable form of development that fails to deliver sufficient social and community facilities and services to meet the needs of the development, contrary to the aims and objectives of policies SD1, SS2, HG3 and HW1 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.