

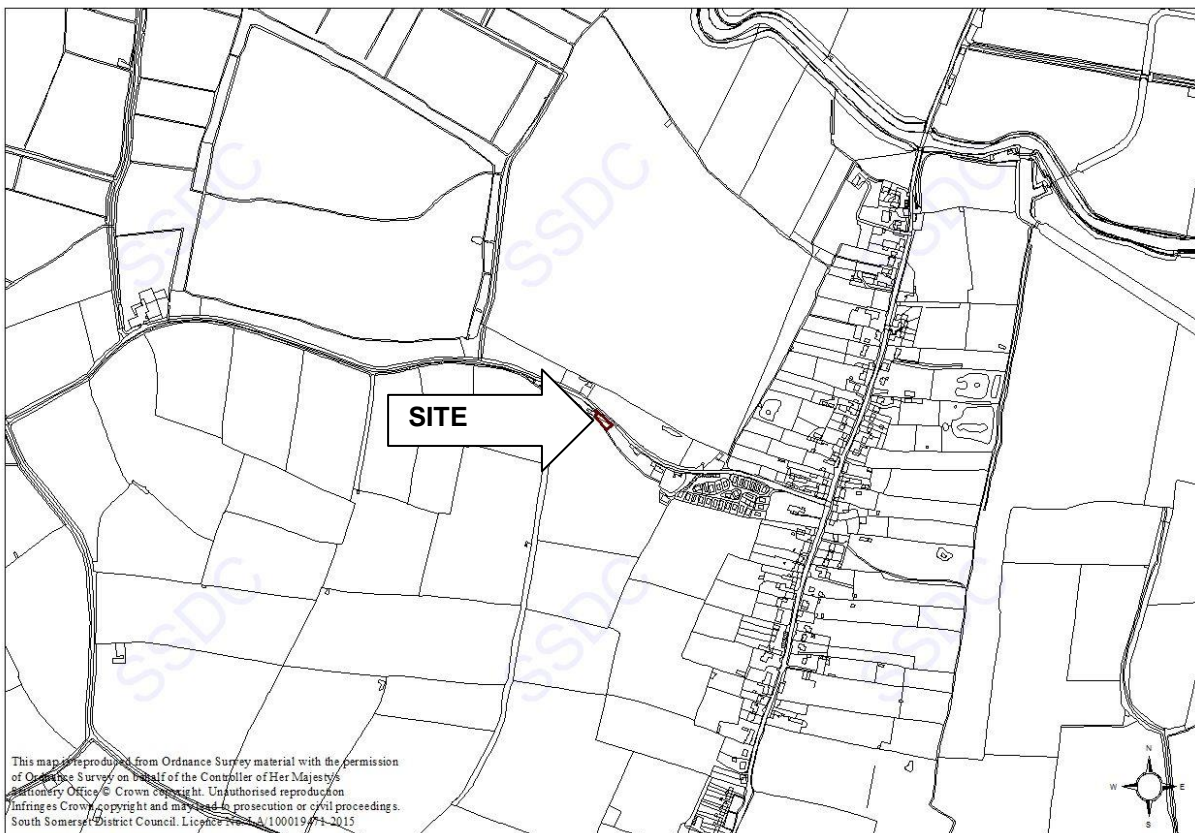
Officer Report On Planning Application: 14/05389/FUL

Proposal :	The erection of a dwelling and formation of vehicular access (Amended application) (GR 346170/123322)
Site Address:	Land Adjacent Moor House, Church Lane, Long Load.
Parish:	Long Load
MARTOCK Ward (SSDC Members)	Cllr G Middleton Cllr P Palmer
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	23rd January 2015
Applicant :	Mr R Ableson
Agent: (no agent if blank)	Paul Dance, Foxgloves, 11 North Street, Stoke Sub Hamdon TA14 6QR
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at the request of the Ward Member with the agreement of the Chair to enable issues raised to be debated.

SITE DESCRIPTION AND PROPOSAL





The site is located to the west of Long Load, on the north side of Church Lane. It is immediately east of a two-storey traditional stone cottage, forming part of an open gap between this cottage and the nearest dwelling to the east. To the south of the site, and across the lane is open agricultural land.

Permission is sought for the erection of a detached, two-storey, timber-clad dwellinghouse.

HISTORY

13/02197/FUL - Erection of one dwelling and formation of new vehicular access - withdrawn
 89/01199/OUT - Dwellinghouse - outline - refused

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decisions must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (April 2006):

ST3 - Development Areas
ST5 - General Principles of Development
ST6 - The Quality of Development
EC3 - Landscape Character
EC4 - Internationally Important Sites
EH12 - Areas of High Archaeological Potential and Other Areas of Archaeological interest.

Emerging Local Plan: Policy SS2: Development in Rural Settlements

National Planning Policy Framework (March 2012):

- 4. Promoting sustainable transport
- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 11. Conserving and enhancing the natural environment

Planning Practice Guidance - Department of Communities and Local Government, 2014.

Policy-related Material Considerations

South Somerset Sustainable Community Strategy

Somerset County Council Parking Strategy, March 2012 and September 2013.

Somerset County Council Highways Standing Advice, June 2013.

CONSULTATIONS

Parish Council: No objections.

Highways Authority: Standing Advice applies.

SSDC Landscape Officer: *The dwelling site is currently an unmanaged roadside paddock that lays alongside a narrow rural lane, which runs west from the village of Long Load. The lane is characterised by sporadic individual dwellings in narrow plots, which are interspersed by open spaces, being either rural gardens or small pastures, whilst the extensive open moorland lays to either side of the lane corridor, thus providing the wider landscape setting of this site.*

It is clear that the proposal lays outside the village core, which is emphatically linear in character, and lays to the east. As such, the proposal is viewed as laying within a countryside setting, and as such agricultural land will be lost to residential form. National planning guidance seeks to protect the countryside, and our local plan policy ST3 seeks to strictly control the extent of development, unless environmental benefit can be gained. By definition, the proposal will result in an erosion of the countryside - by virtue of domestic expansion into agricultural land. Additionally, there is no intrinsic environmental enhancement in supplanting farmland with domestic form and hardstanding. This provides a basis for a landscape objection, policy ST3.

Additionally, development here would also erode the sporadic pattern of development that characterises this stretch of Church Lane, through loss of the paddock to building form and hard surfacings, and by the close concentration of a new dwelling tight against a traditional cottage form, which is spatially at variance with the sparse development pattern of the lane once away from the village edge. There will be need for some hedge removal, to enable site access, which will also result in the subtle erosion of the lanes character. The aggregation of

these impacts also provides a basis for a landscape objection, policy ST5 para 4.

I acknowledge that the proposal site is defined by existing landscape features, and is visually contained. However, this does not sufficiently balance out the adverse landscape impact of the proposal, hence I consider there are sufficient landscape grounds to resist this application.

County Archaeologist: No objection.

Natural England: No objection.

REPRESENTATIONS

One letter of objection has been received, raising the following concerns:

- the character of the lane is that houses are separated by undeveloped land
- the development would be contrary to this character, reducing the value of the adjacent house
- there have been flooding issues in the lane, which could be exacerbated by the development by covering or filling the existing ditch
- housing need for the village would be likely to be represented by affordable housing
- the ability of the small site to accommodate this house is questioned

CONSIDERATIONS

Principle of Development

The site is outside of the settlement of Long Load, which has poor access to services and facilities. The applicant points out that saved Policy ST3 (which seeks to control development in the countryside) of the Local Plan is increasingly considered out of date. The proposal has been justified by the applicant under Policy SS2 of the Emerging Local Plan. It is agreed that considerable weight should be given to this emerging plan, which is now awaiting adoption, having been endorsed and found sound by the Planning Inspector considering the plan. The Plan seeks to channel housing development towards a hierarchy of identified sustainable settlements, although there is an exception policy dealing with lower grade rural settlements 'that have access to key services'.

Long Load has no significant services, and occupants are highly dependent on private transport. It is also questionable whether the site can be regarded as being within the settlement, being on a lane away from the settlement, in a countryside location as set out above by the Council's landscape Officer. It is not considered that the proposal qualifies for consideration under Policy SS2 of the emerging LP.

Whilst the saved policies of the Local Plan are in some respects out of date, Policies ST3 and ST5 both quite validly raise the issue of fostering growth in the need to travel.

The site is in an unsustainable location, contrary to the aims of the NPPF and saved Policies of the Local Plan, and the principle of the erection of a dwellinghouse is not accepted.

Visual and Landscape Impact

The Landscape Officer has clearly set out an objection to the proposal on landscape grounds.

The site represents an important visual gap in very dispersed development on this lane leaving the village. This piece of agricultural land is integral to the countryside character of the lane at this point, and the countryside setting generally, and its loss would harm the setting. The harmful impact is considered to be exacerbated by the design and massing of the proposed dwelling, finished entirely in timber cladding with significant amounts of glazing fronting onto the lane. Existing buildings here are traditional in form, constructed in stone and spaced well apart.

It is considered that the proposal fails to respect the character and appearance of the setting and the local landscape, contrary to the aims and objectives of the NPPF and saved Policies with the Local Plan.

Impact on Residential Amenity

There are no issues of overlooking, overshadowing, or other interference with residential amenity of neighbouring occupants that would indicate a refusal of the application.

Highway Safety and Parking

Adequate parking is provided in accordance with the County Parking Strategy.

The Highways Authority has referred to Standing Advice. This Advice requires longer visibility splays than have been supplied. However, given the narrow nature of the lane, and current level of usage and likely operating speeds, it is not considered that the access as proposed would result in a highway safety risk that would warrant refusal of the application.

Provision of Land for Allotments

As mentioned above, it is not considered that Policy SS2 of the emerging Local Plan applies in this case. However, if that were the case, it would be necessary to understand the community benefit - related to an identified need - that might result from the proposal. The land is unrelated to the site, but within the applicant's gift. No evidence of a local need has been supplied; the Parish Council has made no mention of the proposed grant of land in their consultation response. It is not considered that the undertaking to grant an area of land to the Parish Council presents a justification for a dwellinghouse on an unsustainable site, where the development would result in unacceptable harm to the countryside setting.

It is also noted that government advice on the use of S106 Agreements is given in the NPPF, para. 204:

Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

It is not considered that a proposal to give land to the PC would comply with this advice.

Policy SS2 of the Emerging Local Plan

It has been stated above that it is not considered that the site falls within the type of settlement identified in the policy. However, if the view were to be taken that this is the case, the only issue to be considered would be the land being made available for allotments, for which no evidence of need has been supplied. The proposal would not provide employment or meet an identified

housing need. It is not considered that the proposal can be justified under this policy.

Issues Raised by Neighbour

Issues not dealt with in the report:

- perceived impact on property values is not a planning consideration;
- whilst the concerns about surface water are noted, these issues relate to separate legislation and could be overcome at the building regulations stage; they are not considered a reason for refusal;
- the general comments are noted and have been considered in making a recommendation.

EIA Regulations

Not relevant.

Conclusion

The proposal represents development outside in a countryside setting that would foster growth in the need to travel, for which no special justification has been provided. Furthermore, the development would result in harm to the rural character and appearance of the setting by the loss of open agricultural land and the imposition of built development

S.106 AGREEMENT

It is noted that the applicant is prepared to sign a S106 Agreement to give an area of land to the Parish Council should an application be approved.

RECOMMENDATION

Refuse.

FOR THE FOLLOWING REASONS:

01. The proposal, for which no special justification has been provided, represents unsustainable development in a countryside location that would foster growth in the need to travel by private motor vehicle, and harm the character and appearance of the setting and local landscape. The harmful impact would be exacerbated by the design and materials, which fail to respect the key characteristics of the location, to maintain its local distinctiveness. In these respects, the proposal is contrary to the aims of the NPPF and Saved Policies ST5, SDT6 and EC3 of the South Somerset Local Plan, 2006.
02. The proposal is contrary to Policy ST5 of the South Somerset Local Plan, as the proposed access to the site does not incorporate the necessary visibility splays which are essential in the interests of highway safety.

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.
