

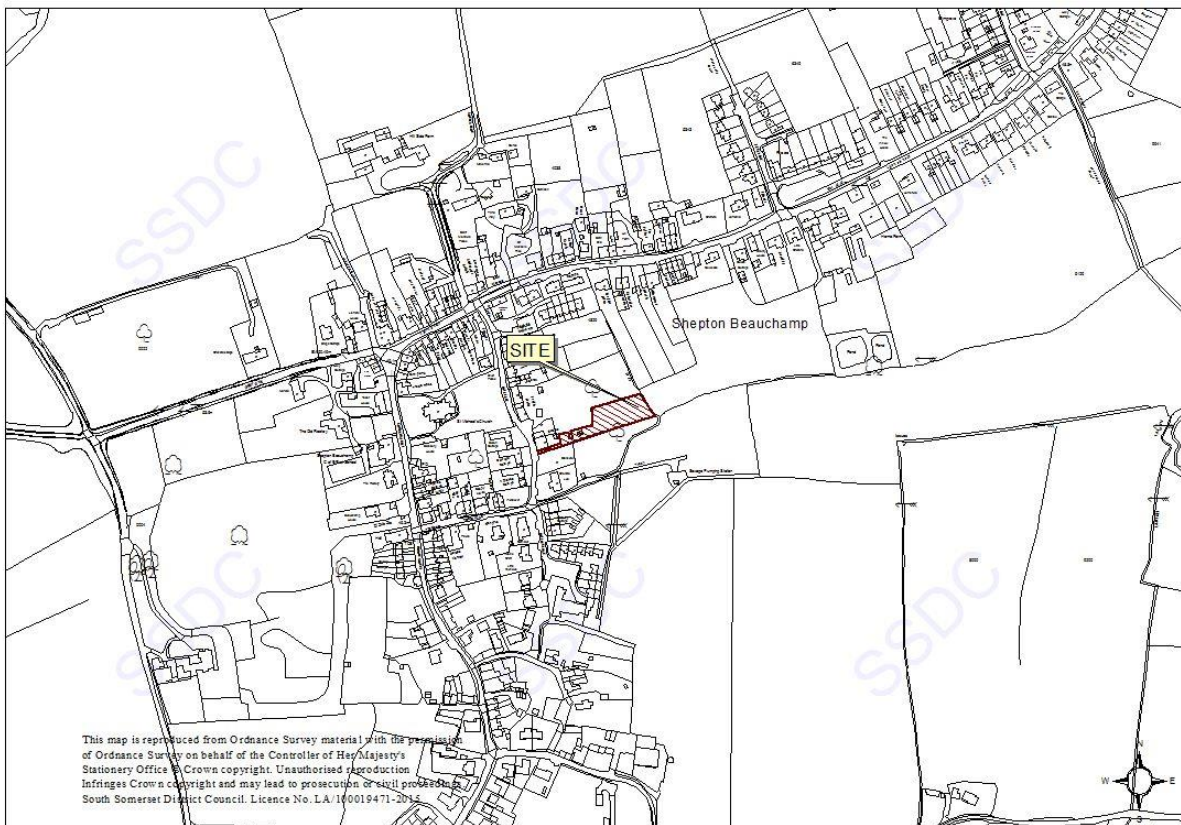
## Officer Report On Planning Application: 17/02890/OUT

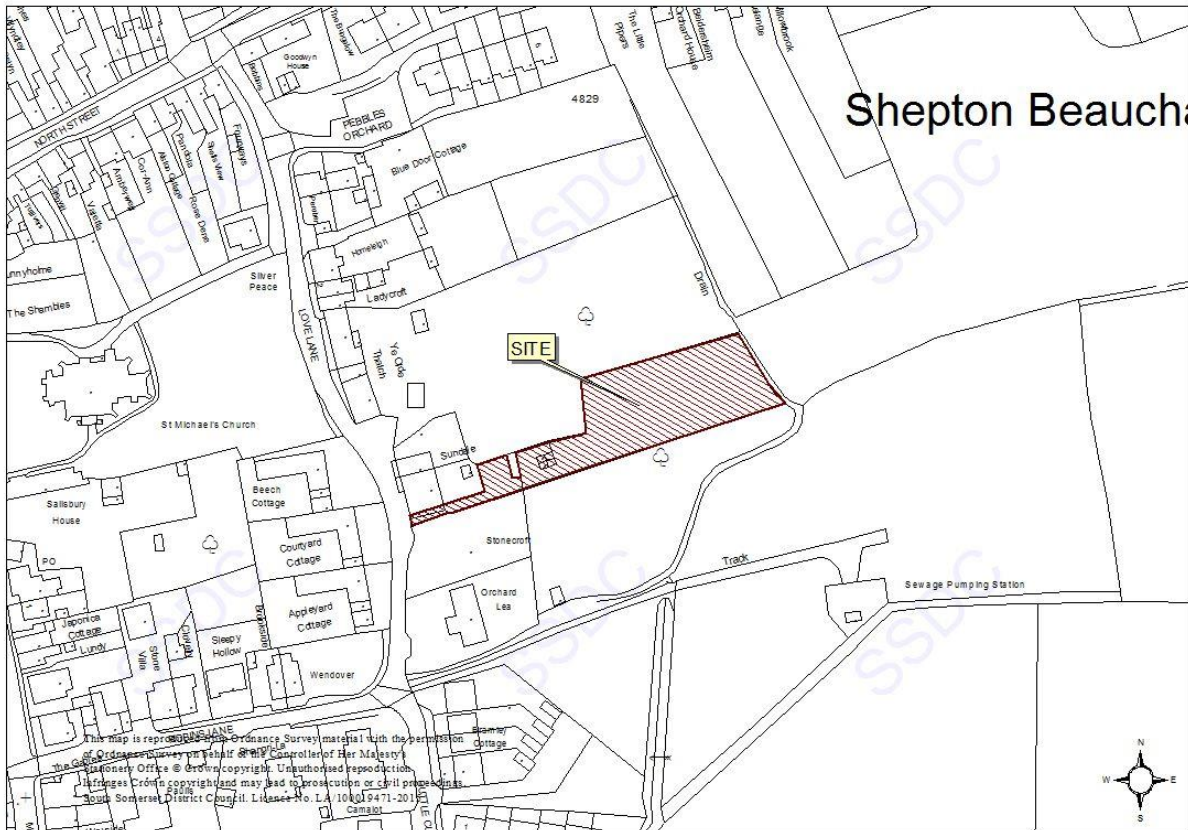
<b>Proposal :</b>	Demolition of existing garage, erection of a dwelling, formation of access and creation of parking area for existing dwelling (outline).
<b>Site Address:</b>	Little Meadow Love Lane Shepton Beauchamp
<b>Parish:</b>	Shepton Beauchamp
<b>SOUTH PETHERTON Ward (SSDC Member)</b>	Cllr Adam Dance Cllr Crispin Raikes
<b>Recommending Case Officer:</b>	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
<b>Target date :</b>	5th September 2017
<b>Applicant :</b>	Mr & Mrs A White
<b>Agent: (no agent if blank)</b>	Joanna Fryer The Town _ Country Planning Practice Ltd Home Orchard Littleton Somerton Somerton TA11 6NR
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFFRAL TO COMMITTEE

The report is referred to Committee at the request of a Ward Member to enable a full discussion of the issues raised by the Parish Council and local residents.

### SITE DESCRIPTION AND PROPOSAL





The 1800 sq. m. site is located to the east of Love Lane and south of the houses focussed on North Street, on land which is undeveloped former paddock/orchard. The land appears to have been assimilated into the garden area of the dwelling(s) to the west of it at some stage, although no change of use of the land appears to have been approved. To north, south and east of the site is open land, that to the south being of a similar semi-domestic character. The existing dwellinghouse (a semi-detached dwelling) fronts directly onto Love Lane, having a rear garden the width of the house (14.3M) and extending back a distance of around 25m to the application site, which is a far broader and longer piece of land (26m x 55m).

Outline permission is sought for the erection of a single dwellinghouse.

## HISTORY

96/02104/FUL - Erection of garage and conversion of existing garage into living room - permitted with conditions

## POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

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

SD1	Sustainable Development
SS1	Settlement Strategy
SS2	Development in Rural Settlements
SS4	District Wide Housing Provision
SS5	Delivering New Housing Growth
TA5	Transport Impact of New Development
TA6	Parking Standards
EQ2	General Development
EQ3	Historic Environment
EQ4	Biodiversity

## **National Planning Policy Framework (March 2012)**

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

## **Policy-related Material Considerations**

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:** No objection is raised, subject to conditions.

**SSDC Landscape Officer:** *Noting that this proposal seeking outline consent for an individual dwelling lays within the setting of the conservation area, I have now viewed the site in its wider context. The main landscape issues, are the need for the development to respect (i) the character of the settlement - LP policy EQ2, and (ii) the setting of the conservation area, LP policy EQ3.*

*The settlement of Shepton Beauchamp has evolved from a medieval nucleus of streets bounding the church, with two prime lines of development extending south along Church Street, and east along North Street, whilst Love Lane completes the rectilinear settlement pattern at the historic core of the village. This medieval origin remains clearly in evidence, despite more recent residential growth extending south and east from the village core. The linear arrangement of housing running along and facing onto Love Lane, with its undeveloped land to the rear, is a prime characteristic of the settlement, and represents both part, and projection, of the historic core and pattern of the village, and this historic interest is underlined by the designation of the village core as a conservation area, which boundary lays close to the north of the site's host dwelling.*

*The application site is a former grass paddock, now primarily mown grass, which is one of a number of plots that originated as small paddocks/orchards to the east of Love Lane's housing. This general open area contrasts with the built frontage of Love Lane, and provides the undeveloped setting to the conservation area, whilst enabling a transition from the strong pattern of buildings in the village centre, to the wider countryside that runs up to the southeast edge of the settlement's core. Viewed in this context, the proposed domestic development of a plot that is open, part garden/paddock; unrelated to the strong linear, roadside pattern of the adjacent housing; and at variance with the historic pattern of the locality, fails to meet the objectives of policy EQ2.*

*From mapping evidence, it would appear that the land between North Street and Love Lane has long been open and primarily agricultural. In relation to the conservation area, this application site - which is similarly open and not characterised by domestic form - contributes to the immediate setting of the*

conservation area, and is valuable in maintaining open ground definition of the built conservation area, which is both historic, and a significant component of its setting. As such, the introduction of domestic structures in this location would clearly be at variance with the character of the conservation area's southeast side, to potentially adversely impact upon its setting, contrary to policy EQ3.

*It is also of some relevance that the coalition government pronounced against what is popularly referred to as 'garden-grabbing' and whilst para 53 of the NPPF is not specific in its resistance to garden development, the inference is that such a mode of development is not particularly favoured. I am also aware that private residential gardens within a settlement are not regarded as previously developed land (NPPF annex 2). Much of this plot, though originating as agricultural land, appears to be utilised as an extended garden, and its built development and access arrangements would substantially erode much of this 'garden' space.*

*In short, the proposal is clearly at variance with the character and setting of this part of the village edge, and there are clear landscape grounds upon which to base a refusal of this application.*

**SSDC Ecologist:** No comments or recommendations.

**County Archaeologist:** No objection.

## REPRESENTATIONS

Two letters have been received. One letter supports the proposal; the other makes the following points:

- as the owner of land immediately next to the driveway, there are concerns about impact on amenity
- measures to retain privacy would be expected

## CONSIDERATIONS

### Principle of Development

Shepton Beauchamp is a rural settlement. Policy SS2 of the Local Plan applies in a settlement with two or more key services (including local shops, community halls, pubs, health and social care facilities, recreation, faith and education facilities). Development in such circumstances should:

- Provide employment opportunities appropriate to the scale of the settlement; and/or
- Create or enhance community facilities and services to serve the settlement; and/or
- Meet an identified housing need, particularly for affordable housing.
- Be commensurate with the scale and character of the settlement
- provide for one or more of the types of development above, and increase the sustainability of a settlement in general
- Be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation.

### Five-Year land Supply: Housing

The Council cannot currently demonstrate an adequate 5-year land supply. Under these circumstances, policies controlling the housing land supply (such as Policies SS1 and SS2) can be considered out of date (Paragraph 14 of the NPPF). However, Inspectors have given consideration on appeal to aspects of Policy SS2 which remain relevant, particularly the requirement for local support 'following robust engagement and consultation'.

### Principle of Development

The site is seen as broadly within the village, although, as discussed below, it is 'backland' development well away from the built form and pattern of physical development. Whilst the principle of additional

dwelling in the village is accepted under the conditions set out above, it is questionable whether there is in this case a clear 'in principle' acceptance of a new dwellinghouse.

### **Visual and Landscape Impact**

The Landscape Officer has set out a clear statement of the impact. The village exhibits a clear pattern of development focussed on the roads. The special character of this layout is partially protected by the conservation area. The proposal to locate a dwellinghouse this far back from the established pattern of development is extreme 'backland' development, at variance with the local character and ultimately harmful to the setting, and the broader landscape beyond the built development. In these respects it is contrary to the aims of the NPPF and Local Plan Policy EQ2.

### **Impact on Conservation Area**

As the Landscape Officer has mentioned, the conservation area is dependent for its setting towards the east of open, undeveloped land. This site forms a clear part of that setting. The NPPF is clear that 'great weight' should be given to the protection of heritage assets:

*'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.'*

It is considered that there is some harm to the setting of the heritage asset, and weight should be appropriately apportioned to that.

### **Residential Amenity**

The proposal would see the demolition of the existing garage, and the creation of a new long driveway from this point along the southern boundary. This somewhat contrived arrangement would create a narrow (4m wide) driveway in close proximity to both the existing dwelling and a neighbour to the south. A neighbour has raised a concern about an amenity impact in this regard.

It is considered that clear amenity harm would indeed be demonstrated, particularly affecting the occupants of The Beeches, an end-of-terrace house placed close to the position of the driveway, which would directly pass not only the house, but the full length of its garden boundary. The same concern applies to the existing dwellinghouse, where the impact of vehicles coming and going along this narrow new driveway, in close proximity to both house and garden would be harmful.

The development is not considered to accord with the core planning principle set out in the NPPF - *to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings* - or with the stated aims of Policy EQ2 of the Local Plan - *Development proposals should protect the residential amenity of neighbouring properties.*

### **Highway Safety**

The proposed access has been assessed by the Highway Authority, which raises no objection to the proposal. It is noted that the application appears to rely for southwards visibility on a splay existing on a permission on the adjacent site. Although this is considered unorthodox, it is clearly not of concern to the Highway Authority, and it is not considered that there is any highway issue that would warrant a refusal of the application.

### **Neighbour Comments**

These have been carefully considered and dealt with in the body of the report. It is noted that the current occupants of The Beeches (referred to above under 'Amenity') support the application. This is not considered to outweigh the long term concern that creating an access along this boundary would be prejudicial to a good standard of residential amenity for occupants of this dwellinghouse.

### **Conclusion**

The proposal represents extreme backland development, set well away from the established pattern of development within the village. As such, it would result in unacceptable loss of greenfield land, harming

the setting of the landscape, the village edge and ultimately the conservation area. Whilst the locality might be suitable in terms of access to services, and the development might contribute towards the supply of housing, it is not considered that these benefits would outweigh the significant harm identified to both the setting and residential amenity. For these reasons, the proposal is considered to represent unsustainable development, contrary to the aims of the NPPF and the Local Plan, is accordingly recommended for refusal.

## **RECOMMENDATION**

Refuse.

## **FOR THE FOLLOING REASONS:**

01. The proposal represents extreme backland development on open greenfield land that would be harmful to the established character and appearance of the edge of the village, the local landscape and the setting of the conservation area. Notwithstanding the benefits of the provision of one additional housing unit, the proposal is considered to represent unsustainable development contrary to the aims of the NPPF and Policies SD1, EQ2 and EQ3 of the South Somerset Local Plan.

02. The proposal, by reason of the contrived and constrained access and parking arrangements in close proximity to existing dwellinghouses and amenity space, would have a harmful impact on the residential amenity of occupiers of neighbouring dwellings, contrary to the core principles set out in the NPPF and aims of Policy EQ2 of the South Somerset Local Plan.

## **SUBJECT TO THE FOLLOWING:**

### **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, the applicant/agent did not take the opportunity to enter into pre-application discussions, and there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.

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