

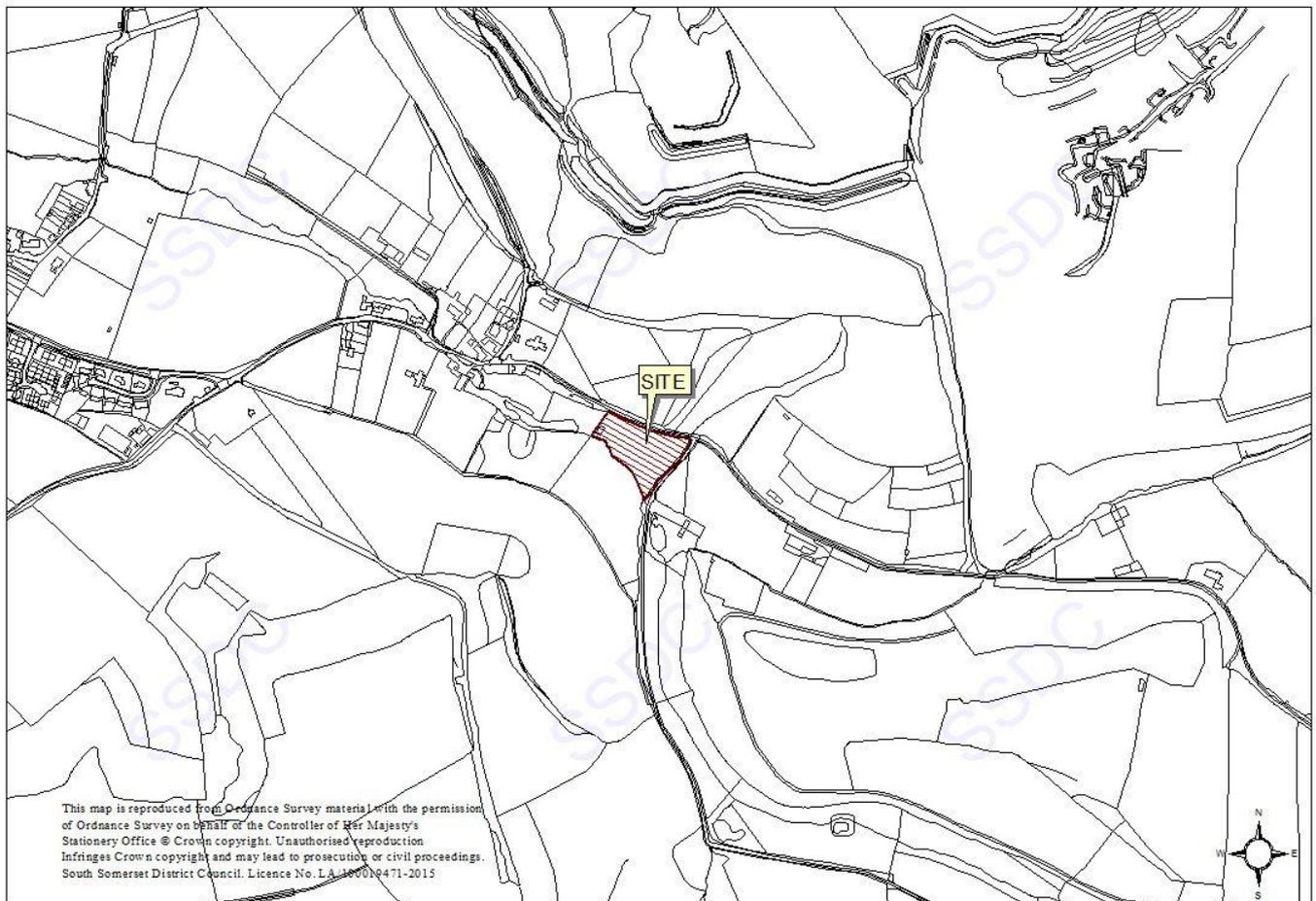
## Officer Report On Planning Application: 17/04124/FUL

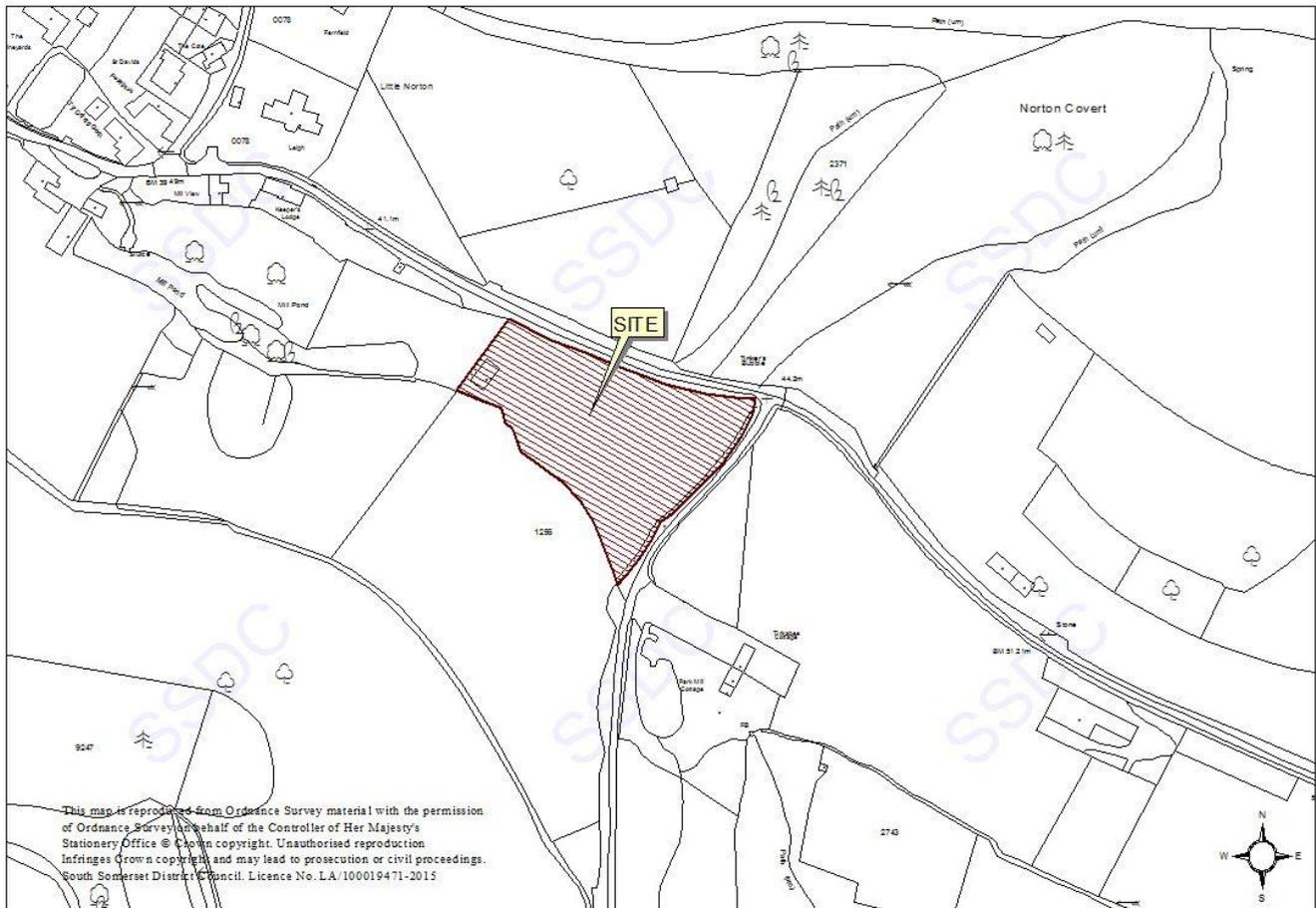
<b>Proposal :</b>	Change of use of land, stationing of a log cabin and two shepherds huts for holiday let.
<b>Site Address:</b>	Land Opposite Tinkabee Cottage, Little Norton, Norton Sub Hamdon.
<b>Parish:</b>	Norton Sub Hamdon
<b>HAMDON Ward (SSDC Member)</b>	Cllr Sylvia Seal
<b>Recommending Case Officer:</b>	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
<b>Target date :</b>	13th December 2017
<b>Applicant :</b>	Mr D Hatton
<b>Agent:</b> <b>(no agent if blank)</b>	Mrs Lydia Dunne Clive Miller & Associates Ltd, Sanderley Studio, Kennel Lane, Langport TA10 9SB
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

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

### SITE DESCRIPTION AND PROPOSAL





The site is located to the east of the village of Norton-sub-Hamdon, on the south side of Little Norton Road. It is an open field bounded to north and east by narrow lanes (the lane to the east is not an adopted highway). To the south is open agricultural land; to the west, small paddocks adjacent to dwellings fronting onto Little Norton. The Little Norton Conservation Area is separated from the site by these paddocks (a distance of around 65m).

The site currently has a timber agricultural building as well as a hardstanding platform, along with various small sheds and a septic tank. There is a small pond located towards the south of the site.

Application is made for a change of use of the land to accommodate a log cabin (mobile home) and two shepherds' huts for use as a holiday letting business.

## HISTORY

No relevant recent history.

## 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
EP8	New and Enhanced Tourist Facilities
TA5	Transport Impact of New Development
TA6	Parking Standards
EQ2	General Development
EQ3	Historic Environment
EQ4	Biodiversity

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

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

**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:** *The Parish Council felt they would not object to this application but would request that the following conditions are enforced:*

*The conditions are:*

1. *That in keeping with other non-standard accommodation in Little Norton, permission should be granted on either a 3 or 5 year temporary basis. At the 3 or 5 year review we could ask to look at occupancy and number of visitors to determine if it was a good alternative use for the agricultural land. If not, then change of use could be revoked/refused*
2. *A condition is implemented stating that there is a time limit on any one staying. This condition will limit the period of occupation of the properties, either specifying a maximum length of stay or specifying that the property is to be occupied only during certain months of the year. (This will need to be monitored and enforced at all times by SSDC)*

3. *A condition which prohibits permanent residential occupancy.*
4. *A condition that there was to be no additional buildings of any description to be added to this site at a later date.*
5. *To have low key lighting installed in and around the area, with only ground level lighting used.*
6. *Improvements to the access must include a new type of gating e.g. a five bar wooden gate that is in-keeping with the area.*
7. *The drain across the entrance needs to be fully piped before a new surface is put down.*
8. *All the improvements to the entrance have to be completed before any buildings come onto the site.*
9. *There is to be no parking on the roadside.*
10. *There is to be parking for no more than 5 cars parked on site at any one time.*
11. *The whole site needs to be completely cleaned of rubbish before any building is installed.*
12. *Solar/Wind Power only. No noisy generators. Mains electric to be used as an emergency backup only.*

**Highways Authority:** Standing advice applies.

**SSDC Highway Consultant:** No objection, subject to conditions relating to the access and parking.

**SSDC Landscape Officer:** *If the business case justifies this tourism development, then noting the site to be relatively unobtrusive, and the intended use low-key, then providing there is no associated lighting, and the bounding hedgerows are maintained and managed, then I have no further landscape issues to raise.*

**SSDC Ecologist:** No comments.

**County Rights of Way Officer:** No objections. General comments relating to ROW abutting the site (public footpath Y20/63).

## REPRESENTATIONS

23 letters have been received in response to the proposal.

Of these, 16 **support** the proposal. These letters comprised two standardised, pro forma letters, 7 of which included the following main points:

- the additional tourist accommodation is necessary and welcomed
- specific provision for the elderly and disabled is particularly welcome

7 letters of **objection** made the following main points:

- the landscape setting would be harmed
- the site is in poor condition, not 'fit for purpose'

- there would be additional noise from the site
- a bad precedent would be set, especially on agricultural land
- the landscape is 'green belt' and should be protected
- the development would 'urbanise' the existing landscape 'which is an area of outstanding natural beauty and lies within the ...conservation area'
- the vehicular access to the site is poor (narrow lane, poor surface)
- increased traffic would affect highway safety
- there is no need for the holiday accommodation in the area
- historical issues dating back to 1997 are raised and reference is made to various issues other: a BT line being installed on site; helicopter landings
- the site is waterlogged and poorly drained
- there is no mains electricity, a generator is being used on the site
- there are drainage issues at the access, especially related to the drainage ditch along the south side of the highway which appears to have been obstructed by works to the access
- current activities on the site, including the pond, use of caravans, extensions to existing sheds, should be resolved before consideration of any planning application
- management would be difficult without a permanent residential presence
- controls are needed to ensure that there is no permanent resident on site
- there are drainage and flooding concerns
- the suitability of lanes and paths for walking etc. is queried, especially for disabled persons

## **CONSIDERATIONS**

### **Principle of Development**

The site is located in open countryside, where new development is strictly controlled. However, the proposal is for holiday accommodation, which enjoys general support within the NPPF and as set out in Policy EP8 of the Local Plan. The applicant has submitted a detailed business plan, including an assessment of the likely need for such accommodation, a marketing plan, and a detailed assessment of the costs and likely income. This is considered to be sufficiently robust to establish a workable case for the scheme.

Under these circumstances, the principle of the proposal in this location is considered to be acceptable.

### **Landscape and Visual Impact**

As this is a countryside application, the Council's landscape architect has been consulted. He raises no objections to the scheme, subject to a condition to secure appropriate landscaping. The site is well secluded, surrounded by mature hedging. It is large enough to accommodate the three units of accommodation as well as parking without harming this rural setting. On this basis, it is considered that the impact on the landscape would be acceptable, in accordance with policy EQ2 of the South Somerset Local Plan.

### **Impact on Conservation Area**

The conservation area is separated from the site by open agricultural land over a distance of around 65m. The site is well screened by hedges. It is not considered that there would be any harmful impact from this rural activity on the setting of the Conservation Area.

### **Residential Amenity**

There are no nearby dwellinghouses that would be overlooked or have their current residential amenity

demonstrably harmed by the presence of these units. It is not considered that the proposal would have any significant impact on the residential amenity of any adjoining occupiers.

### **Drainage**

The site slopes away from the highway down towards a small stream, and is recorded on the flood risk maps as being within Flood Zone 1 (i.e. little or no risk of severe flooding). Although the site is noted for surface water accumulation, there is a small pond located adjacent to the stream which appears to retain excess water from the site. The topography is such that the mobile units would be located on the higher ground (i.e. closest to the highway) on land that is adequately drained.

There is an existing septic tank on the site which is proposed to be used for foul drainage, although the applicant has noted that should this not be feasible use would be made of a package treatment plant.

It is not considered that there are any significant impacts that would result in increased flood risk or inadequate foul drainage that would indicate a refusal. However, appropriate conditions are proposed to ensure ongoing adequate drainage provision.

### **Highway Safety**

The County Highway Authority was consulted and responded that the scheme should be in accordance with their Standing Advice. The Council's Highway Consultant has accordingly assessed the access and parking arrangements which have been amended to his satisfaction, and are not considered to raise any highway safety concern that would indicate a refusal of the proposal.

### **Parish Council Comments**

The PC's suggested conditions are noted. The following points need consideration:

- **Temporary permission:** There is not considered to be any justification for limiting the length of the permission. A condition expressly requires the units to be removed from the site should they no longer be needed/used for holiday letting, which effectively deals with the concern
- **Access:** Both the appearance of the access and the drainage arrangements can be covered by condition.
- **Parking on the Highway:** This is a matter controlled by the Highway Authority and Police, and a condition would be unenforceable.
- **Clearing of Rubbish:** This is not a planning matter
- **Power Source:** The use of any motor generators on site can be controlled by condition. However, whether mains or solar/wind power is used is not considered material to the likely planning impact of the three units.

### **Concerns Raised by Local Residents**

The concerns raised have been carefully considered and the issues partially covered above. However, the following further assessment is offered:

**Noise:** The use of the site for three units of holiday accommodation is not considered likely to create a noise nuisance per se. However the issue of a generator is noted, and a condition is proposed to restrict this.

**Precedent:** Planning decisions are not based on precedent, each application being required to be determined on its merits. It is not considered that allowing this proposal represents any precedent that would pre-determine other applications.

**Green Belt/AONB/Conservation Area:** There are no areas of green belt in the District. The site is a countryside site, and low-key provision of tourist accommodation is acceptable subject to assessment of overall impact. The site is not within a designated Area of Outstanding Natural Beauty; it is 65m away from the conservation area.

**Historical Issues:** Issues raised relating to events 20 years ago are not considered relevant to this proposal which should be assessed on its own current planning merits.

**Drainage at Access:** The applicant is willing to make adequate drainage provision at the access, which can be secured by condition.

**Pond:** This feature is present on site and currently fulfils a useful drainage function. The applicant has noted the concerns about whether this requires planning permission, and the matter will be followed up independently of the current application. It is not considered that this raises a concern that would prevent consideration of the application for mobile units on the higher part of the site, where there is not a concern about excessive surface water.

**Structures on Site:** There has long been a shed on the site adjacent to the west boundary. Although this might have been recently improved, it is not considered that there is any concern about the structure that would lead to enforcement action. Other paraphernalia are to be removed in accordance with the site development plan (get a plan showing this?)

## **Conclusion**

The principle of the proposed development is considered to be acceptable in this location. The submitted detail of the proposal has been assessed, and it is not considered to have any significant adverse impact on visual amenity, the conservation area, highway safety, or residential amenity. It is accordingly recommended for approval.

## **RECOMMENDATION**

Grant permission.

01. The proposal is considered to be acceptable in this location and, by reason of its size, scale and materials, respects the character of the area, and causes no demonstrable harm to residential amenity and highway safety in accordance with the aims and objectives the NPPF and Policies EP8, EQ2, EQ3, TA5, and TA6 of the South Somerset Local Plan.

### **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: the amended drawings received by email on 27 November 2017: Block/Site Plan sized A3 Scale 1:500; Block/Site Plan Scale 1:500 sized A4, showing visibility splays. Also the block plan received by email on 19 December 2017, sized A3, Scale 1:1500.

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

03. The occupation of the units of holiday accommodation hereby approved (i.e. the single 'log cabin' mobile home and the two shepherds' huts shown on the submitted plan) shall be restricted to bona fide holidaymakers, none of whom shall occupy the units for a period in excess of 3 months in any

calendar year without the written approval of the Local Planning Authority. None of the units shall at any time be occupied independently as any person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of occupiers of the units, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation, and meets the objective of providing tourist accommodation, in accordance with Policies SD1 and EP8 of the South Somerset Local Plan (2006 - 2028) and the aims and provisions of the National Planning Policy Framework.

04. The use hereby permitted shall cease and the mobile units shall be permanently removed from the site should they no longer be required for purposes of holiday letting.

Reason: In the interests of sustainable development and to accord with the NPPF and Policies SD1 and EP8 of the South Somerset Local Plan.

05. No more than three mobile units of accommodation shall be stationed on the site, of which no more than one shall be a static caravan. The design and appearance of the static caravan shall be substantially as shown on the submitted plan 'in-nova by Deak Jenö'; and the design and scale of the 'shepherds' huts' shall be substantially as shown on the submitted plan 'Dean Hatton 001', unless the details of either of these have been otherwise agreed in writing with the Local Planning Authority.

Reason: To clarify the scope of the permission.

06. No development hereby permitted shall be commenced unless details of the platforms to support the mobile units (including any changes in ground level and hardstanding) have been submitted to and approved in writing by the Local Planning Authority. No raised brick structures or skirting shall be erected. The details, once approved, shall be implemented and retained, and shall not be altered unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policy EQ2 of the South Somerset Local Plan.

07. No external lighting shall be installed or erected on the site unless details of such lighting have been submitted to and approved in writing by the Local Planning Authority. Once approved, such lighting shall only be erected and used in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the character of the area and in the interests of preventing light pollution in accordance with Policies EQ2 and EQ7 of the South Somerset Local Plan.

08. No electricity generators shall be used on the site unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of general amenity and to accord with the NPPF and Policy EQ2 of the South Somerset Local Plan.

09. The area allocated for parking and turning on the submitted plan shall be properly consolidated and surfaced in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to commencement of the use hereby permitted, and shall thereafter be kept clear of obstruction at all times and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and amenity and to accord with the aims of the NPPF and Policies TA5, TA6 and EQ2 of the South Somerset Local Plan.

10. No development hereby permitted shall be commenced unless details of all boundary treatments and entrance gates have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the development hereby permitted being brought into operation and shall thereafter be permanently retained and maintained.

Reason: To safeguard the character and appearance of the area and to accord with Policy EQ2 of the South Somerset Local Plan.

11. Before the development hereby permitted is brought into use the access to the site over at least the first 6m of its length, as measured from the nearside edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority, and shall be maintained as such at all times.

Reason: In the interests of highway safety.

12. Provision shall be made within the access layout and design for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be made before the development hereby permitted is first brought into use and maintained thereafter at all times.

Reason: In the interests of highway safety.

13. No development hereby permitted shall be commenced unless details of the means of foul and surface water drainage to serve the development have been submitted to and approved in writing by the Local Planning Authority. Such details, once approved, shall be fully carried out during implementation of the permission and thereafter retained unless otherwise agreed in writing with the Local Planning Authority.

14. No development hereby permitted shall be commenced unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the character and appearance of the area, and to accord with the NPPF and Policy EQ2 of the South Somerset Local Plan.

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