

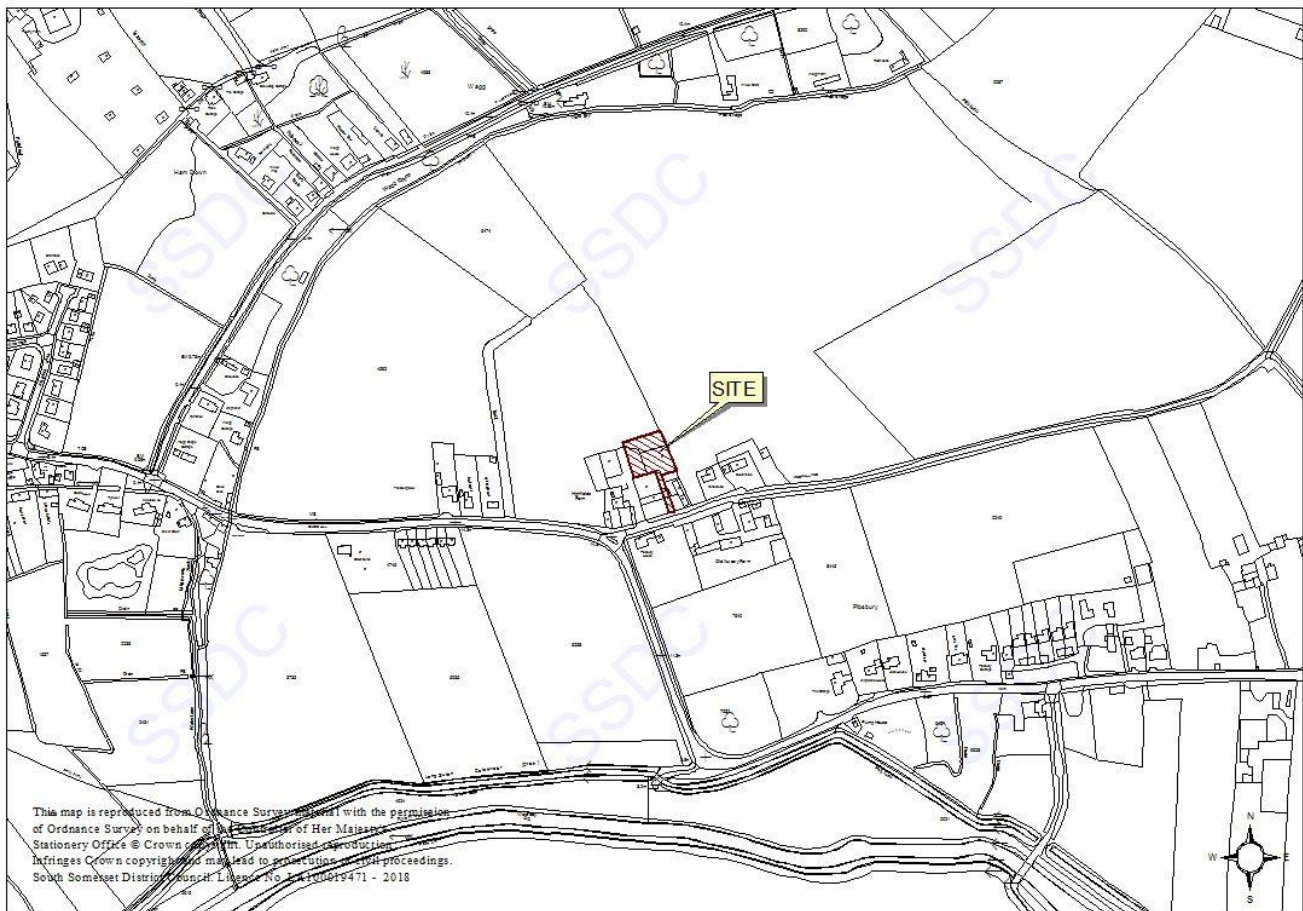
Officer Report On Planning Application: 18/00761/FUL

Proposal :	The erection of 2 No. detached dwellings (Revised Application).
Site Address:	Highfield Farm, Windmill Lane, Pibsbury.
Parish:	Huish Episcopi
LANGPORT AND HUISH Ward (SSDC Member)	Cllr Clare Aparicio Paul
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	15th May 2018
Applicant :	Mr & Mrs David
Agent: (no agent if blank)	Mrs Lydia Dunne, Clive Miller Associates, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at request of the Area Chair with the agreement of the Area Chair to enable the issues raised to be fully debated by Members.

SITE DESCRIPTION AND PROPOSAL





The application relates to a former farm site situated on the north side of Windmill Lane in Pibsbury, a loose linear collection of properties located along the A372 to the east of Huish Episcopi. The site included a large dilapidated portal frame which was removed in order to be replaced with orchard planting required in connection with the grant of planning permission for the erection of two new dwellings and a barn conversion on land to the south. Neighbouring properties are located to the east and south with open land to the north and west of the site. The site is also located approximately 585m from Wet Moor SSSI and 325m from Muchelney level County Wildlife Site.

Outline planning permission was applied for the erection of two detached bungalows on this site in 2016, under 16/03176/OUT. This application was recommended for refusal by officers, and subsequently refused at Area North Committee on 26th October 2016 for the following reason:

The proposed development, as a result of its form, scale and siting, introduces an uncharacteristic concentration of residential development at variance with the local pattern of development and thereby fails to preserve or enhance local character. As such, it has an unacceptable impact on the character, appearance and the rural context of the locality. The proposal is therefore contrary to policy EQ2 of the South Somerset Local Plan (2006-28) and provisions of chapters 7, 11 and the core planning principles of the National Planning Policy Framework.

Following refusal by the Local Planning Authority, the applicant appealed the decision, which was dismissed in a decision dated 26th May 2017. A concurrent application was made on the land immediately to the west for the erection of a pair of semi-detached dwellings. This was also refused by Area North Committee, and a subsequent appeal dismissed.

This application is now made for full planning permission for the erection of two detached bungalows on the same site as the previously refused scheme.

HISTORY

16/03755/S73A: Application to vary condition 2 (approved plans) to planning permission 15/00931/FUL to allow for slight repositioning of plot 2 and single storey veranda to plot 1 - Permitted with conditions.

16/03176/OUT: Outline application for the erection of two detached bungalows - Refused (at Area North Committee and dismissed at subsequent appeal).

16/03175/FUL: Redevelopment of existing agricultural building to provide two 1.5 storey semi-detached dwellings - Refused (at Area North Committee and dismissed at subsequent appeal).

16/01490/S73: Application to vary condition 2 (approved plans) of planning permission 15/000931/FUL by substitution of revised plans 6408 - 01B, 04B, 05B and 02A - Permitted with conditions.

15/00931/FUL: Detailed design and layout for two dwellings, alterations to approved access and parking arrangements and the erection of a car port - Permitted with conditions.

14/04241/S73: Application to vary Condition 2 of planning permission 13/05050/FUL, with revised plans nos 6407-02, and 6407-01a (Porch enlargement) - Permitted with conditions.

13/05051/OUT: Conversion of redundant farm building to a dwelling - Permitted with conditions.

13/05050/FUL: Conversion of redundant farm building to a dwelling - Permitted with conditions.

13/03902/FUL: Proposed alterations and extensions to Highfield House - Permitted with conditions.

03/01738/AGN: Erection of an agricultural storage barn - 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

HG4 - Affordable Housing Provision

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

National Planning Policy Framework

Core Planning Principles - Paragraph 17

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 11 - Conserving and Enhancing the Natural Environment

National Planning Practice Guidance

Design
Natural Environment
Rural Housing
Planning Obligations

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

Parish Council: No objections, although the Council was disappointed that the application did not include dedicated garages.

SCC Highway Authority: Standing Advice applies.

SSDC Highway Consultant: I understand that a similar application on this site was previously considered and accepted by the local highway authority, subject to conditions. On the basis that the traffic impact of the scheme, the standard of the approach road to the site and the proposed means of access would have been assessed and was deemed appropriate by the highway authority to serve the proposed development, provided sufficient on-site parking is made available and secured in line with the Somerset Parking Strategy standards, no objection is raised to the current proposal.

REPRESENTATIONS

None

CONSIDERATIONS

Principle of Development

The site is located to the east of Huish Episcopi, approximately 400m from the developed edge of Huish Episcopi, 800m from the public house, 1.3km from the entrance to Huish Episcopi Academy and 2km from Langport town centre (junction of The Hill and North Street/Cheapside). Policy SS1 (Settlement Strategy) highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements, are 'Rural Settlements', which policy SS1 states "will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in policy SS2. Policy SS2 states:

"Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:

- Provides employment opportunities appropriate to the scale of the settlement; and/or
- Creates or enhances community facilities and services to serve the settlement; and/or

- Meets identified housing need, particularly for affordable housing.

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general. Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation. Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at paragraph 5.41 (i.e. local convenience shop, post office, pub, children's play area/sports pitch, village hall/community centre, health centre, faith facility, primary school)."

Usually applications in locations such as this would be considered against the settlement strategy contained within Local Plan policies SS1 and SS2, however the Local Planning Authority are currently unable to demonstrate a five year supply of housing sites. As such, several recent appeal decisions have confirmed that in the context of the National Planning Policy Framework these policies should be considered out of date, as they are relevant to the supply of housing. In such circumstances, the main consideration will be whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

As a starting point, this application is virtually identical to the previously refused scheme, other than the fact that it is a full planning application, rather than an outline application. In considering this previous proposal, it was recognised that while the site was not considered to be a generally sustainable location, it was however noted that it was within walking distance of several key services within Huish Episcopi, and there is a fully formed public footway that runs all the way to Huish Episcopi. Despite policy SS2 being viewed as out of date, on this basis the site has access to several key services referred to in this policy. Taking the above into account, the application site is considered to be adequately well located in relation to the key local services. As such, it is considered that the development of housing in this location may be acceptable in principle, subject of course to the assessment of other appropriate local and national policy considerations, to determine whether there are any adverse impacts that would significantly and demonstrably outweigh any minor benefits.

In the case of the previously refused scheme, the proposal was considered to be harmful on the grounds of adverse impact on the rural character of the area. As such, this scheme would have to adequately address this reason for refusal.

Scale, Design and Appearance

This part of Windmill Hill contains a small group of housing predominantly in a linear pattern of development characterised by a loose-grained and low level presence of established dwellings in the vicinity, which in most part address the lane. There has been further development recently that broadly respects this established development character. Just as the previously refused scheme, this development, as proposed, will extend northwards beyond the existing residential development to the south, encroaching further into adjoining countryside. The proposed development of this site would replace an area of proposed orchard planting approved in relation to the development to the south, which was intended to close off this development and act as a buffer to adjoining open countryside. Replacing this with residential development that includes domestic curtilage, parking and associated domestic paraphernalia, fails to respect the local character leading to an uncharacteristic extension of built form into open countryside, contrary to the prevailing pattern of development.

The applicant has sought to downplay the impact of this encroachment, suggesting that there are other examples of 'development in depth' in Pibsbury and other locations in Langport and Huish Episcopi. This may indeed be the case, however this does not impact on the application site and its immediate surroundings, mainly the small group of buildings along Windmill Lane, which a stronger linear form. There are two approved dwellings to the front of the site, which are back to back, however the overall

site still sits within the general building line, with no further extension out to the north. The applicant also refers to the development of Old Nursery Farm to the south east of the site, on the opposite side of Windmill Land, referring to the number of dwellings within this site, suggesting similarities to the level of development on this former farm site. This is noted, however again, the Old Nursery Farm development referred to is in a clear linear form, respecting the prevalent development character, rather than eroding it, as would be the case with the proposed development scheme.

The approval at appeal of a development scheme between the application site, and Huish Episcopi (Duck's Hill) is also referenced, in which the applicant highlights that the Inspector made comments in respect to a lack of specific policy regarding the preservation of 'gaps' and 'green wedges'. Again this is not considered to have any relevance to this application site, as the Duck's Hill scheme represented linear development, again in line with existing development character, and as the application site at Highfield Farm does not include any infilling of gaps but straightforward encroachment of built form, and associated domestic usage into adjoining countryside.

Overall, it is considered that there has been no change in local or national planning policy, or other site specific circumstances, to justify altering the previous view of the Local Planning Authority that the development of the application site would be unacceptable. This view was supported by the decision of the Planning Inspectorate, which was made less than a year ago. As such, the scheme is recommended for refusal for the same reason as previously refused proposals 16/03176/OUT and 16/03175/FUL.

Residential Amenity

The proposed dwellings are designed and orientated, along with the proposed inclusion of 1.8m boundary fencing between, to avoid overshadowing or overbearing impact that may have an unacceptable impact on the residential amenity of the occupiers of existing nearby development, or future occupiers of the proposed development.

Highway Safety

The proposal includes making use of the recently constructed access serving the three new dwellings to the south. It is also proposed that there will be four parking spaces per dwelling within site, as well as providing turning facilities. While there will be an increase in traffic using this new access, it is not considered that this will cause a severe impact on highway safety. Subject to the imposition of appropriate conditions to maintain the parking and turning facilities, the proposal is considered to be acceptable from a highway safety point of view.

Other Issues

The site is also near to Wet Moor Site of Special Scientific Interest (SSSI) and Muchelney Level County Wildlife Site, however the proposed development is not considered to have any adverse impact on these national and locally important sites.

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all new residential development (exceptions apply). Should permission be granted, an appropriate informative will be added, advising the applicant of their obligations in this respect.

Policies HG3 and HG4 of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district. In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less. It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore the Local Planning Authority are not seeking an affordable housing obligation from this development.

Conclusion

Notwithstanding the additional detail provided within this full planning application, the proposed development is still considered to represent an uncharacteristic spread of residential development into adjoining countryside, at odds to the established pattern of development and to the detriment of local character. As such, the scheme is recommended for refusal.

RECOMMENDATION

Refuse

FOR THE FOLLOWING REASON(S):

01. The proposed development, as a result of its form, scale and siting, introduces an uncharacteristic concentration of residential development at variance with the local pattern of development and thereby fails to preserve or enhance local character. As such, it has an unacceptable impact on the character, appearance and the rural context of the locality. The proposal is therefore contrary to policy EQ2 of the South Somerset Local Plan (2006-28) and provisions of chapters 7, 11 and the core planning principles of the National Planning Policy Framework.

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 did not enter into pre-application discussions. Notwithstanding this, there were no minor or obvious solutions to overcome the significant concerns caused by the proposal.

02. Please be advised that any subsequent approval of this application by appeal will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

In the event of an approval at appeal, you would be required to complete and return Form 1 Assumption of Liability as soon as possible after the grant of permission and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk.
