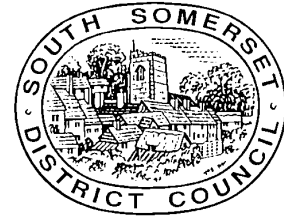


South Somerset District Council

Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 22nd August 2018

2.00 pm

**Council Chamber, Council Offices,
Brympton Way, Yeovil BA20 2HT**

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



The following members are requested to attend this meeting:

Clare Aparicio Paul
Neil Bloomfield
Adam Dance
Graham Middleton
Tiffany Osborne

Stephen Page
Crispin Raikes
Jo Roundell Greene
Dean Ruddle
Sylvia Seal

Sue Steele
Gerard Tucker
Derek Yeomans

For further information on the items to be discussed, please contact the Case Services Officer (Support Services) on 01935 462596 or democracy@southsomerset.gov.uk

This Agenda was issued on Tuesday 14 August 2018.

Alex Parmley, Chief Executive Officer

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 North Committee are held monthly, usually at 2.00pm, on the fourth Wednesday of the month (except December) in village halls throughout Area North (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 North Committee

Wednesday 22 August 2018

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meeting held on 25 July 2018.

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 Clare Aparicio Paul and Sylvia Seal.

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

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 26 September 2018** at a venue to be confirmed.

5. Public question time

6. Chairman's announcements

7. Reports from members

Items for Discussion

8. **Area North Committee Forward Plan** (Pages 6 - 7)
9. **Planning Appeals** (Page 8)
10. **Schedule of Planning Applications to be Determined By Committee** (Pages 9 - 10)
11. **Planning Application 18/00769/FUL - Land at East Lodge, Bineham Road, Knole, Long Sutton.** (Pages 11 - 16)

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 North Committee – Forward Plan

Lead Officer: Helen Rutter, Communities Lead
Officer: Becky Sanders, Case Services Officer (Support Services)
Contact Details: becky.sanders@southsomerset.gov.uk or (01935) 462596

Purpose of the Report

This report informs Members of the Area North Committee Forward Plan.

Public Interest

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 North Committee agenda, where members of the committee may endorse or request amendments.

Recommendation

Members are asked to:
Note and comment upon the Area North Committee Forward Plan as attached, and identify priorities for further reports to be added to the Area North Committee Forward Plan.

Area North Committee Forward Plan

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 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 and SCC corporate aims and objectives.

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact one of the officers named above.

Background Papers: None

Area North Committee Forward Plan

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; at democracy@southsomerset.gov.uk

Items marked in italics are not yet confirmed, due to the attendance of additional representatives. Key: SCC = Somerset County Council

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
Sept '18	Highways Update	Routine update report from SCC Highways.	SCC Highways.
<i>Sept '18 TBC</i>	<i>Somerton Conservation Area</i>	<i>Report regarding the Somerton Conservation Area Appraisal and designation of extensions to the Conservation Area.</i>	<i>TBC</i>
<i>Sept '18 TBC</i>	<i>Buildings at Risk (Confidential)</i>	<i>Routine update report.</i>	<i>TBC</i>
<i>Oct' 18</i>	<i>Impact of Withdrawal from the Langport Community Office</i>	<i>Update report regarding the impact of withdrawal from the Langport Community Office. (At the September 2017 meeting a decision was taken to provide face to face services in an alternative way to best suit customer demand including the withdrawal from Langport Community Office with effect from January 2018)</i>	<i>Debbie Haines, Deputy Community Office Support Manager</i>
<i>TBC</i>	<i>Community Grants</i>	<i>Consideration of Community Grant applications.</i>	<i>Area Development Team (North)</i>
<i>Feb ' 19 TBC</i>	<i>Community Safety & Neighbourhood Policing</i>	<i>Annual update from representatives of Avon and Somerset Police.</i>	<i>Avon and Somerset Police.</i>

Agenda Item 9

Planning Appeals

Director: Martin Woods, Service Delivery
Service Manager: Simon Fox, Lead Specialist (Planning)
Contact Details: simon.fox@southsomerset.gov.uk or 01935 462509

Purpose of the Report

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

Public Interest

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.

Recommendation

That members comment upon and note the report.

Appeals Lodged

None

Appeals Dismissed

None

Appeals Allowed

None

Agenda Item 10

Schedule of Planning Applications to be Determined by Committee

Director: Martin Woods, Service Delivery
Service Manager: Simon Fox, Lead Officer (Development Management)
Contact Details: simon.fox@southsomerset.gov.uk or 01935 462509

Purpose of the Report

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

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 2.00pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 1.55pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
11	TURN HILL	18/00769/FUL	Erection of an agricultural building and the stationing of a temporary agricultural workers dwelling.	Land at East Lodge, Bineham Road, Knole, Long Sutton.	Mr Reed

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 11

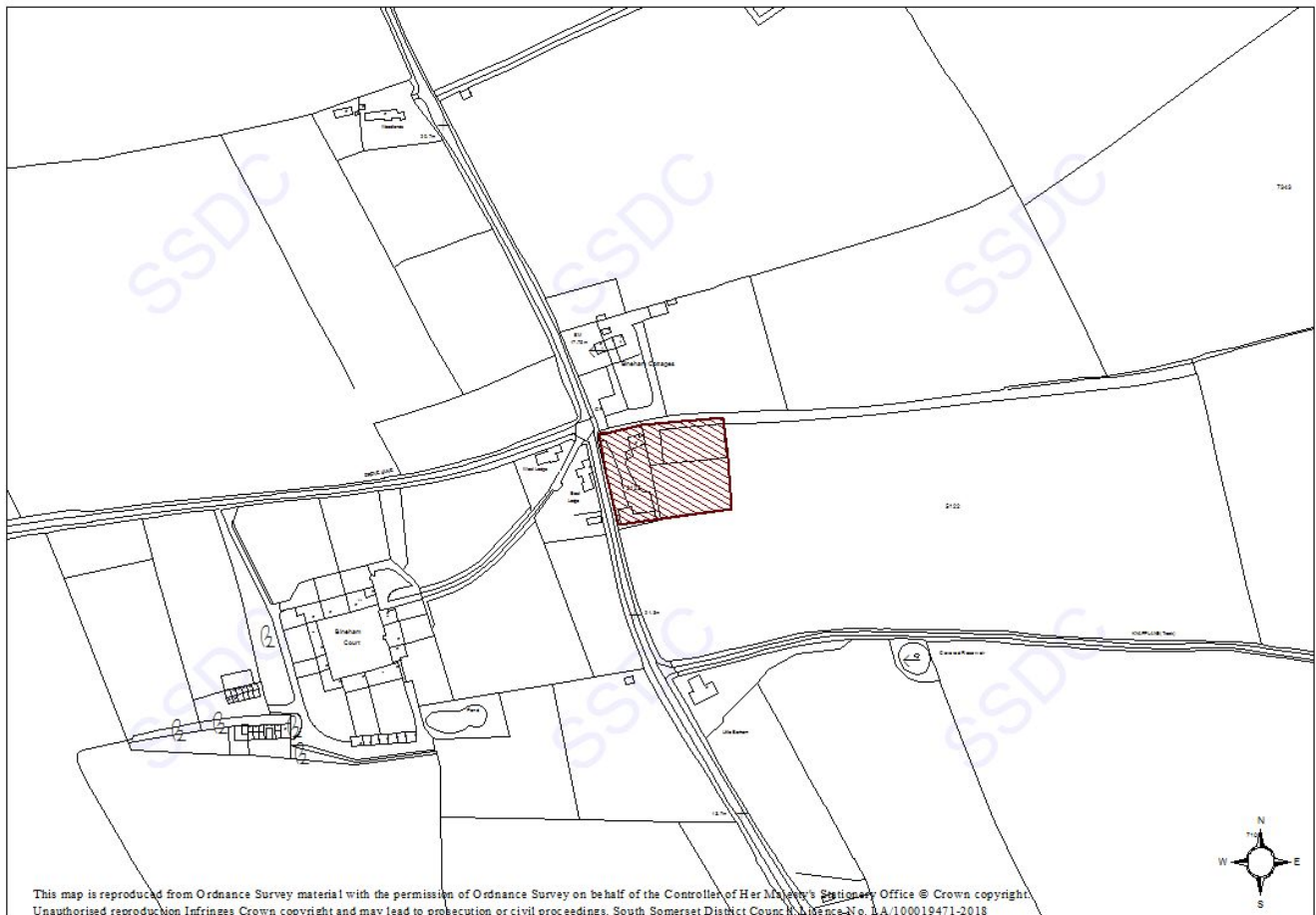
Officer Report On Planning Application: 18/00769/FUL

Proposal :	The erection of an agricultural building and the stationing of a temporary agricultural workers dwelling.
Site Address:	Land At East Lodge, Bineham Road, Knole.
Parish:	Long Sutton
TURN HILL Ward (SSDC Member)	Cllr Gerard Tucker
Recommending Case Officer:	Alex Skidmore, Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	15th May 2018
Applicant :	Mr Reed
Agent: (no agent if blank)	Clive Miller Planning, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application has been brought to Committee at the request of the Ward Member and by agreement with the Area Chair in view of the local support for the application and to consider further the viability implications of the business.

SITE DESCRIPTION AND PROPOSAL





This application is seeking planning permission to station a temporary agricultural workers dwelling and to erect a permanent agricultural barn on land at Bineham Farm.

According to the submitted Planning Statement the applicant's holding extends to 47 hectares, much of which is currently rented out, and they currently operate a modest mixed calf rearing and sheep enterprise of their own. The application site forms part of the existing farmstead which includes a modest collection of buildings and a riding arena. The farmyard is used partly for the ongoing agricultural activities and partly for the applicant's other business purposes which include a riding school and a building / ground works business. The applicant's existing house is a substantial dwelling located immediately to the west on the otherwise of Bineham Lane.

There is an existing access serving the farmyard which leads directly on to Bineham Lane. A public right of way, footpath L 21/42, passes parallel with the site from west to east at the northern end of the site. The northern portion of the site sits within flood zone 3.

HISTORY

10/03424/AGN: Erection of an agricultural building for the storage of fodder and agricultural machinery. Permission not required.

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

EP4 – Expansion of Existing Businesses in the Countryside

EP5 – Farm Diversification

HG9 – Housing for Agricultural and Related Workers

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ7 – Pollution Control

National Planning Policy Framework

Part 2 – Achieving sustainable development

Part 5 – Delivering a sufficient supply of homes

Part 6 – Building a strong, competitive economy

Part 8 - Promoting healthy and safe communities

Part 9 – Promoting sustainable transport

Part 11 – Making effective use of land

Part 12 – Achieving well-designed places

Part 14 – Meeting the challenge of climate change, flooding and coastal change

Part 15 – Conserving and enhancing the natural environment

CONSULTATIONS

Long Sutton Parish Council: No objection

County Highways: Referred to their standing advice

Council's Highway Consultant: Acceptance of the principle of this proposal in this location must be largely a planning matter based on 'need' and 'justification.' The traffic impact of the scheme on the local highway network is unlikely to be significant given that workers are likely to be travelling to and from the site already. The means of access to the farm appears to derive from a no-through road close to a road junction. Visibility splays onto the no-through road appear acceptable although this should be checked on site by the planning officer. Sufficient on-site car parking must be provided in line with the Somerset Parking Strategy optimum standards.

County Rights of Way: Confirmed that there was a public right of way running adjacent to the site (public footpath L21/42) and referred to their standing advice.

REPRESENTATIONS

None.

CONSIDERATIONS

This application is seeking planning permission to station a temporary agricultural workers dwelling and to erect a permanent agricultural barn on land at Bineham Farm.

Principle of the temporary dwelling

The site is located in an isolated open countryside location where it is remote from any established settlements and day to day services, facilities and public transport and to be an unsustainable location where new residential development should normally be strictly controlled. Policy HG9 of the South Somerset Local Plan however makes provision for agricultural workers dwellings and sets out a number of tests against which such proposals should be assessed and justified:

“A development proposal in the countryside to meet the accommodation needs of a full-time worker in agriculture, horticulture, forestry, equestrian activities or other business where a rural location is essential should demonstrate that:

- *There is a clearly established existing functional need;*
- *The enterprise is economically viable;*
- *Provision on-site (or in the immediate vicinity) is necessary for the operation of the business;*
- *No suitable accommodation exists (or could be made available) in established buildings on the site or in the immediate vicinity;*
- *It does not involve replacing a dwelling disposed of recently as general market housing;*
- *The dwelling is no larger than that required to meet the operational needs of the business;*
- *The siting and landscaping of the new dwelling minimises the impact upon the local landscape character and visual amenity of the countryside and ensures no adverse impact upon the integrity of nationally and internationally designated sites, such as AONB.*

Where a new dwelling is permitted, this will be the subject of a condition ensuring the occupation will be limited to a person solely or mainly working, or last working in the locality in agriculture, horticulture, forestry, equestrian activities or other rural business (or a surviving partner of such a person, and any resident dependants).”

The submitted Planning Statement states that the applicant owns 37 hectares of land, the majority of which is currently rented out to others, and that at present he runs a ‘part-time hobby farm rearing cattle and sheep’ whilst running a full-time building / ground works business and his wife runs a riding school from the site. It is stated that the applicant is seeking to expand the agricultural business from 17 to 100 calves (calves bought in from other farms to be reared on site to be sold at 16 months of age for finishing elsewhere) and 90 to 150 breeding ewes and they intend to employ a full-time farm manager and part-time farm hands to run the farming business whilst he and his wife concentrate on their other existing businesses. It is argued that the temporary agricultural workers dwelling is required as a full-time employee needs to live on site primarily for animal welfare reasons and that this is necessary as the applicant and his wife are employed in other businesses.

Accompanying the application is an Agricultural Appraisal which sets out in more detail the current and proposed land and labour requirements and detailing the functional need for someone to be available on site along with the projected profitability of the proposed operation. From the details provided it is not

disputed that the proposed business will generate sufficient work to equate to at least a full-time worker or that the nature and scale of calf rearing operations would warrant, on the grounds of animal welfare, a need for a 24 (hr) X 7 (days a week) presence on the site and that on these grounds the farm business meets the functional need criteria for having worker accommodation in close proximity to this operation. It should be noted that as lambing is a seasonal activity which only usually requires an onsite presence for a few weeks a year that this would not justify the need for a dwelling, rather such a need can be met by utilising the temporary change of use rights set out under the GPDO which allows the siting of a caravan for up to 28 days a year.

The financial projections are just that a forecast of what profit the business may generate and some of the detail provided is a naturally a bit scant as a result, however, it is accepted that what has been provided is sufficient to demonstrate that such an enterprise based on current costings has a reasonable likelihood of turning a profit. Whether there is every prospect of the business being financially viable in the longer term is something that the applicant would have to demonstrate during any subsequent application for a permanent dwelling.

Further to the above, it is accepted that the proposed business is likely to have a functional need for someone to reside on site and that sufficient information has been provided to demonstrate that the business is based on an apparently sound financial basis, therefore if there is no other suitable and available accommodation in the vicinity to meet this need then the principle of allowing a temporary occupational dwelling would be accepted.

One of the requirements of policy HG9 is that there is no other suitable accommodation, that is either available or could be made available, on the site or in the immediate vicinity to meet this need. Firstly no information has been provided to demonstrate that the applicant has investigated whether there are any suitable dwellings available locally to meet the needs of the farmworker. Secondly, the applicant owns and resides in the dwelling known as East Lodge which is on the opposite side of the lane and within metres of the farmstead and which could easily meet the requirements of the proposed agricultural operations. Whilst it is acknowledged that the applicant intends to continue to work full-time in his builders / groundworks business and his wife intends to continue running her riding school (neither of which would appear to have planning consent to operate from this site), there is no operational need for them to live here for these activities and it is considered that the existing dwelling, East Lodge, could therefore be made available to meet the needs of the agricultural activities. The scale and nature of the proposed activities do not justify the need for a second dwelling in support of this agricultural holding, which is what in essence this application is seeking. Whilst it might not be the applicant's preference to make East Lodge available for this purpose, such personal choices are not sufficient justification to override the strong policy controls that seek to restrict new residential development in the countryside. This element of the proposal is therefore considered to be contrary to the requirements of LP policy HG9 as well as the provisions the NPPF, in particular paragraph 79.

Principle of the proposed barn

From the information provided and bearing in mind the modest range of buildings currently available it is accepted that the increased stock levels would justify the need for the additional building and that this would have the added advantage of being purpose built for the intended use as a calf rearing shed. On this basis the principle of the new livestock shed is acceptable.

Other matters

Visually, due to the scale and nature of the proposed development and its close relationship with the existing development on the site it is not considered to cause any substantive harm to visual amenity or the character of the local landscape.

Given the relatively modest size of the proposed livestock shed and its position set away from

neighbouring properties it is not considered that this is likely to give rise to any substantive harm to neighbour amenity including nuisances such as from increased noise, smells, flies etc.

Furthermore, the position and scale of the proposed developments are such that they are not considered to cause any demonstrable loss of privacy, light or overbearing concerns to neighbouring properties.

Part of the farmstead is situated within flood zone 3, however, the position of the proposed developments are outside this area and are located within flood zone 1 where there is a low risk of flooding.

The proposals seek to utilise the existing access which leads on to Bineham Lane which is considered to have an acceptable level of visibility and to offer a safe and suitable means of access to serve the development. It is accepted that adequate parking and turning can be achieved on site to meet the needs of the proposal.

Conclusion

Given the open countryside location of the site and its remoteness from day to day services it is considered to be an unsustainable location where new build residential development should normally be strictly controlled, unless an over-riding exceptional need for the dwelling can be demonstrated. Whilst it is accepted that the applicant has demonstrated a functional need for a dwelling in support of the proposed business and that sufficient financial information has been provided to support a temporary dwelling, the holding already includes a permanent dwelling which could potentially be made available to meet this need. In essence, the application is seeking a second dwelling on this holding for which a functional need has not been adequately demonstrated, as such this element of the proposal is considered to constitute an unjustified and unsustainable form of development that is in conflict with the requirements of LP policy HG9 as well as the provisions of the NPPF, in particular paragraph 79. For this reason the application is recommended for refusal.

RECOMMENDATION

Refuse permission for the following reason:

Insufficient information has been provided to demonstrate the functional need for an additional dwelling in support of the proposed agricultural enterprise. In particular, it has not been demonstrated why the existing dwelling could not be made available to meet the agricultural needs of the holding or that there is no other accommodation available locally that could meet this need. Given the open countryside location of the site which is remote from day to day services and facilities the proposal is considered to constitute an unjustified and unsustainable form of development that is contrary to the requirements of policies SD1 and HG9 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework, in particular paragraph 79.