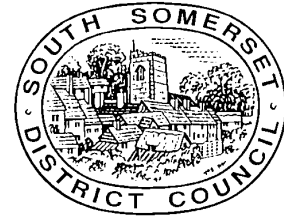


South Somerset District Council

Notice of Meeting



Area South Committee

Making a difference where it counts

Wednesday 7th February 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:

Cathy Bakewell
John Clark
Gye Dibben
John Field
Nigel Gage
Peter Gubbins
Kaysar Hussain

Andy Kendall
Sarah Lindsay
Mike Lock
Tony Lock
Sam McAllister
Graham Oakes
Wes Read

David Recardo
Gina Seaton
Peter Seib
Alan Smith
Rob Stickland

Consideration of planning applications will commence no earlier than **3.00pm**.

For further information on the items to be discussed, please contact the Case Services Officer (Support Services) on 01935 462011 or democracy@southsomerset.gov.uk

This Agenda was issued on Monday 29 January 2018.

Alex Parmley, Chief Executive Officer

This information is also available on our website
www.southsomerset.gov.uk and via the mod.gov app



INVESTORS IN PEOPLE

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 South Committee are held monthly, usually at 2.00pm, on the first Wednesday of the month at the Council Offices, Brympton Way, Yeovil (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 South Committee

Wednesday 7 February 2018

Agenda

Preliminary Items

- 1. Minutes of previous meeting**
- 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 District Council's Regulation Committee

The following members of this Committee are also members of the Council's Regulation Committee:

Councillors Peter Gubbins, Graham Oakes, David Recardo and Gina Seaton.

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. Public question time**
- 5. Chairman's announcements**
- 6. Reports from representatives on outside organisations**

This is an opportunity for Members who represent the Council on outside organisations to report items of interest to the Committee.

Items for discussion

7. **Yeovil Western Corridor Update** (Page 6)
8. **Citizens Advice South Somerset (CASS)** (Page 7)
9. **Area South Forward Plan** (Pages 8 - 10)
10. **Appeals** (Pages 11 - 27)
11. **Schedule of Planning Applications to be Determined by Committee** (Pages 28 - 29)
12. **Planning Application 17/04679/FUL - Milford Adventure Playground Milford Road Yeovil** (Pages 30 - 34)
13. **Planning Application 17/03894/FUL - Land East of Woodhouse Lane Woodhouse Lane Montacute** (Pages 35 - 45)
14. **Items for Information** (Pages 46 - 55)

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 7

Yeovil Western Corridor Update

*Contact Details: Richard Needs, Somerset County Council
RGNeeds@somerset.gov.uk*

Somerset County Council's Service Manager – Engineering Design (Richard Needs) will attend the meeting to give a quarterly update on the Yeovil Western Corridor Improvements.

Agenda Item 8

Citizens Advice South Somerset (CASS)

Communities Lead Helen Rutter, Communities Lead
Lead Officer: Angela Kerr; Chief Executive Officer, CASS
Contact Details: angela.kerr@southsomcab.org.uk (01935 847661)

Angela Kerr, Chief Executive of Citizens Advice South Somerset, will be attending Area South Committee to deliver her annual presentation to members on the work of CASS during 2017 and their future plans.

Agenda Item 9

Area South Committee Forward Plan

Communities Lead: Helen Rutter, Communities Lead
Service Manager: Natalie Fortt, Area Development Lead - South
Agenda Co-ordinator: Jo Boucher, Case Services Officer – Support Services
Contact Details: jo.boucher@southsomerset.gov.uk or (01935) 462011

Purpose of the Report

This report informs Members of the agreed Area South Forward Plan.

Recommendations

Members are asked to:-

1. Comment upon and note the proposed Area South Forward Plan as attached at Appendix A.
2. Identify priorities for further reports to be added to the Area South Forward Plan, developed by the SSDC lead officers

Area South Committee Forward Plan

The forward plan sets out items and issues to be discussed by the Area Committee over the coming months.

The forward plan will be reviewed and updated each month, by the joint lead officers from SSDC, in consultation with the Area Committee Chairman. It is included each month with the Area Committee agenda, where members of the Area Committee may endorse or request amendments.

Members of the public, councillors, service managers, and partners may request an item is placed within the forward plan for a future meeting, by contacting the Democratic Services Officer.

Background Papers

None

Appendix A

Notes

- (1) Items marked in *italics* are not yet confirmed, due to the attendance of additional representatives.
- (2) For further details on these items, or to suggest / request an agenda item for the Area South Committee, please contact the Democratic Services Officer; Jo Boucher.

Meeting Date	Agenda Item	Background/ Purpose	Lead Officer
7th March 2018	Yeovil Chamber of Trade	Yeovil Chamber of Trade Presentation	David Woan, President Chamber of Trade
	Yeovil Vision & Regeneration Update	Update report on Yeovil Vision and Regeneration	Helen Rutter, Communities Lead / Natalie Fortt, Area Development Lead - South
	Yeovil Half Marathon	Yeovil Half Marathon Presentation	Steve Elliott, Total Buzz Events
	Strategic Key Sites within Area South	Section 106 update report on the Strategic Key Sites within Area South	Neil Waddleton, Section 106 Officer
	Work of the Conservation Service	Annual report on the work of the Conservation Service.	Rob Archer, Conservation Manager
	Historic Buildings at Risk	Confidential report on the Historic Buildings at risk within Area South.	Rob Archer, Conservation Manager & Andrew Tucker Conservation Officer
	One Public Estate Programme	Update report	Nena Beric, Project Manager
4th April 2018	Area South Development Update Report	Update on the work carried out by the Area South Development Team and progress on activities and projects contained within the ADP	Natalie Fortt, Area South Development Lead
	Area South Development Plan 2017/2018	Area South Development Plan 2017/18 and financial outturn.	Helen Rutter, Assistant Director (Communities)/Natalie Fortt, Area Development Lead - South

Meeting Date	Agenda Item	Background/ Purpose	Lead Officer
2nd May 2018	Somerset Highways – maintenance programme	A six monthly update report on the current and expected highways maintenance programme in Area South	Mike Fear, Assistant Highway Service Manager, South Somerset Highways
6th June 2018	Appointment of Working Groups & Outside Bodies	Annual Report	Jo Boucher, Committee Administrator
	Scheme of Delegation	Annual Report	Jo Boucher, Committee Administrator
	Community Safety- Yeovil One Team	Community Safety Update Report	Natalie Fortt, Area Development Lead - South

Agenda Item 10

Planning Appeals (For information)

Director: Martin Woods, Service Delivery
Lead Officer: Martin Woods, Service Delivery
Contact Details: martin.woods@southsomerset.gov.uk or (01935) 462071

Purpose of the Report

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

Recommendation

That the report be noted.

Background

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.

Appeals Allowed

Ward: Brympton
Proposal: The change of use of land from agricultural to community playing field and recreation use along with pavilion, associated access, replacement field accesses, car parking and associated works (GR 351580/117154)
Appellant: Yeovil Town FC & Town Town Holdings Ltd
Site: Land OS 7300 (north of Red Brick Cottage) Thorne Lane Yeovil Somerset

Appeals Dismissed

Ward: Yeovil Without
Proposal: Application for a Lawful Development Certificate for the proposed siting of two additional caravans
Appellant: J And E Fury
Site: Greenacres Park Coppits Hill Yeovil Somerset BA21 3PP

Financial Implications

None

Implications for Corporate Priorities

None

Other Implications

None

Background Papers: Planning application files

Appeal Decision

Site visit made on 4 September 2017

by **Robert Parker BSc (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 December 2017

Appeal Ref: APP/R3325/W/17/3172410

Land adjacent to and west of Lufton College and north of Red Brick Cottage, Lufton, Yeovil, Somerset

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Fry of Yeovil Town Football Club and Yeovil Town Holdings Limited against the decision of South Somerset District Council.
 - The application Ref 15/02535/FUL, dated 1 June 2015, was refused by notice dated 27 September 2016.
 - The development proposed is change of use of land from agricultural to community playing field and recreation use along with pavilion, associated access, replacement field accesses and car parking.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of land from agricultural to community playing field and recreation use along with pavilion, associated access, replacement field accesses and car parking at Land adjacent to and west of Lufton College and north of Red Brick Cottage, Lufton, Yeovil, Somerset in accordance with the terms of the application, Ref 15/02535/FUL, dated 1 June 2015, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Yeovil Town Football Club and Yeovil Town Holdings Limited against South Somerset District Council. This application is the subject of a separate decision.

Procedural Matters

3. The decision notice uses a different site address to that provided on the application form. There is nothing before me to indicate that this was agreed in writing between the parties and therefore my formal decision reverts to the original form of wording. This is adequate to describe the location of the site.
4. During my visit I was able to make an assessment of the proposal from the garden of Red Brick Cottage. This was following a prior written invitation for me to view the site from this property.

Main Issues

5. The main issues in this case are:

- a) the effect of the proposal on the character and appearance of the surrounding area;
- b) whether the development would preserve the setting of nearby designated heritage assets;
- c) whether safe and suitable access to the site can be achieved for all people; and
- d) whether the proposal would lead to unacceptable levels of crime, disorder and anti-social behaviour.

Reasons

Character and appearance

6. The appeal site comprises one half of an arable field within the hamlet of Lufton on the north-west fringes of Yeovil. The land slopes downwards from Thorne Lane towards Lufton Lane to the south and totals approximately 5.1 ha in area. Red Brick Cottage nestles in a hollow at the base of the site. To the east of this property, behind a band of trees, lies Cambian Lufton College which is centred on the Grade II listed Lufton Manor House. Further along the lane to the west there are a number of other notable buildings, including the Church of St Peter and St Paul, Lufton House and Manor Farm. The first two buildings are listed whereas the latter forms part of the college.
7. The hamlet lies in attractive rural surroundings and retains its own distinctive identity, despite the threat from an expanding Yeovil to the east. The appeal site currently has an agrarian character with clear visual linkages to open countryside to the north and west.
8. The proposal is to terrace the sloping site to create a pair of level football pitches. A cricket pitch would also be provided but this would overlap the northern pitch and the two could not be used concurrently. A pavilion and equipment store would be constructed towards the north-eastern corner of the land and an informal parking area created behind the boundary hedge adjacent to Thorne Lane. The site would be landscaped with a new surface water attenuation feature in the lowest corner nearest Red Brick Cottage.
9. The development would unquestionably alter the character and appearance of the site. The issue for me to consider is whether this would be materially harmful. Although substantial engineering operations in their own right, the proposed cut-and-fill to create the pitches would be minor interventions in the wider landscape. The pavilion and storage shed would be modest buildings and both would be sunken into the slope of the land, such that only the roof of the pavilion would be visible from Thorne Lane. The proposed parking area would be informal in nature and overflow parking would be grass based.
10. The development would be publicly visible from the site entrances and in private views from Red Brick Cottage and Stone Cottage to the south of Lufton Lane. However, the landscape and visual impacts would be localised. A condition could be used to secure native planting along the western boundary to help provide a new interface with the countryside and additional containment for the site.

11. I am mindful that it is common to find sport and recreation facilities on the edges of settlements where the land is available. Such developments do not replicate the character or appearance of farmland, but they share the same sense of openness. Having regard to this and my observations on site, I am satisfied that the appeal scheme would not cause material harm to the character or appearance of the surrounding area. It would thus comply with Policy EQ2 of the South Somerset Local Plan (2006-2028) (SSLP) insofar as it seeks to conserve and enhance landscape character and respect local context.

Heritage assets

12. The decision notice alleges harm to nearby designated heritage assets but does not identify the particular assets in question. According to the Council's statement, which cites an objection from the authority's Conservation Officer, the concerns relate in part to the effect on the settings of Lufton Manor House, Lufton House and the Church of St Peter and St Paul. All three listed buildings are separated from the appeal site by mature trees and vegetation which prevent any intervisibility.
13. The Council suggests that the above heritage assets enjoy a rural setting. However, it fails to provide any specific evidence to show how the appeal site contributes to the significance of those assets. Given my observations, and the lack of any visual connections, I am not persuaded that the proposal development would have a significant detrimental impact on the settings of listed buildings.
14. Concerns are also raised regarding the effect on St Michaels Hill (scheduled monument) and Tower (Grade II listed) and Montacute House (Grade I listed) and its registered historic park and garden. These designated heritage assets lie approximately 1.7 km west of the appeal site.
15. The appeal site falls outside of the 'core' setting identified in the Montacute Setting Study. The proposed development would not be visible from the house due to intervening topography and vegetation and it would not form part of the immediate visual background to views from within the registered landscape. It would be seen from the tower, but the land would remain green and open, and the buildings and engineering works would be difficult to discern at this distance, with the eye being drawn to the industrial sheds of Yeovil beyond. Landscaping along the western site boundary would also act to screen and filter such limited views as may exist.
16. Accordingly, I find that the proposal would not be detrimental to the setting of designated heritage assets. It would comply with Policy EQ3 of the SSLP, the purpose of which is to conserve and enhance heritage assets for their historic significance and important contribution to local distinctiveness, character and sense of place.
17. Even if I were wrong with this assessment, the Council concedes that any harm to designated heritage assets would be less than substantial. Paragraph 134 of the National Planning Policy Framework (the Framework) states that in such instances, the harm should be weighed against the public benefits. In my opinion, any minor harm to heritage assets would be outweighed by the public benefits arising from the increased supply of playing pitches and greater community participation in active sport.

Crime, disorder and anti-social behaviour

18. The Council argues that the isolated location of the site provides limited opportunity for passive surveillance, and that this would create the potential for crime, disorder and anti-social behaviour.
19. There would be a number of dwellings with windows overlooking the playing fields, but this in itself would not guarantee security. The appellant is proposing that the site be taken on by the Community Sports Trust which already has experience in managing similar recreational facilities. The Council is concerned that the involvement of this charitable body is not secured within a legal agreement accompanying the planning application. However, its objective to secure appropriate management of the facility could be met using a planning condition. The Planning Practice Guidance (PPG)¹ advises that conditions should always be used in preference to planning obligations.
20. Planning conditions can also be imposed to require the installation of security lighting and the submission of further design details to make the buildings more resilient to physical attack and less attractive as a venue for anti-social behaviour. A further condition could secure the provision of a height barrier at the entrance and restrict vehicle entry during the hours of darkness. Whilst these measures would not prevent access on foot, they would be proportionate to the nature of the threat and commensurate with similar facilities in the area.
21. I conclude that with the aforementioned mitigation in place the proposal would not be likely to give rise to unacceptable levels of crime, disorder and anti-social behaviour. It would adequately address crime prevention and community safety in accordance with the requirements of Policy EQ2 of the SSLP and paragraph 58 of the Framework.

Access for pedestrians and cyclists

22. The principal access for vehicles would be from Thorne Lane, with the majority of traffic likely to be using the relatively short (circa 1.25 km) stretch of lane between the site entrance and Western Avenue to the east. A secondary access for maintenance, emergency vehicles, pedestrians and cyclists would be formed onto Lufton Lane.
23. The Council is concerned that the lack of footways, margins and lighting, coupled with the shadows cast by tall hedgerows, would make both lanes unsafe for pedestrians. Furthermore, it considers that neither lane is suitable for less experienced cyclists, especially young children.
24. It is estimated that there could be up to 50 players on site at any one time. This is not unrealistic. However, at this 'grass roots' level of sport spectators are likely to be family and friends who travel together in the same car. Whilst the 'tidal' volumes of traffic along Thorne Lane would be noticeable before and after matches, they would not be significant in absolute terms. The proposed on-site parking would be sufficient to prevent overspill onto the adjacent lane.
25. Thorne Lane is lightly trafficked and vehicle speeds did not strike me as being excessive, with drivers taking appropriate care on the bends. The width of the lane varies along its length, with some sections being narrower than others, but forward visibility is generally good and there is ample opportunity for vehicles

¹ Reference ID: 21a-011-20140306

to pass one another. There is also room to overtake without posing a threat to pedestrians and cyclists. Although I acknowledge the comments regarding the lack of street lighting, the facility would only be used in daylight. The application does not propose to floodlight the new pitches and therefore pedestrians would not need to use the lane in darkness.

26. The appeal site lies within approximately 300 m of the Lufton Key Site, an allocation for nearly 700 dwellings which is under construction to the south. Residents of this new development would be able to walk the short distance along Lufton Lane to access the proposed recreational facilities. The lane was temporarily closed to through-traffic at the time of my visit, but I saw nothing to persuade me that this route would be unsuitable or unsafe for pedestrians or cyclists. Much of the traffic along Lufton Lane is destined for the college, but the peak periods do not coincide with the times when the pitches are most likely to be in use.
27. I note that there are proposals, as part of the Lufton Key Site, to close the lane at some point along its length. Although such a closure is not necessary to make the appeal scheme acceptable, it would further reduce the traffic levels along the lane and increase its suitability for pedestrians and cyclists.
28. Accident data indicates that there have been two personal injury collisions in the vicinity of the appeal site since 2008, one on Thorne Lane and another on Lufton Lane. Both were recorded as 'slight' in terms of severity. I do not have the full circumstances of each incident and therefore do not know the causal factors. Nevertheless, the evidence does not point to either lane having a particularly poor safety record. It adds very limited weight to the Council's case.
29. To conclude, whilst the proposal would increase vehicle movements in the vicinity of the site, it would not present an unacceptable risk to other road users. Access to the site would be safe and suitable for pedestrians and cyclists. The scheme would thus comply with Policy TA5 of the SSLP and paragraph 32 of the Framework.

Other Matters

30. There is some suggestion that the proposal is intended to replace existing pitches belonging to Yeovil Town Football Club at Huish Park. Any debate over the suitability of the appeal scheme as a replacement for these facilities should be had in the context of an application for development at that site. I must treat the proposal before me on its own merits.
31. It is put to me that there is already satisfactory pitch provision in the area. However, I note the conclusion of the draft South Somerset Playing Pitch Strategy that the stock of playing pitches across the district is not sufficient to meet current and future demand. Users have identified a particular shortage for youth teams, including in the Yeovil area. Objectors counter by arguing that the Lufton Key Site offers shared use of the Kingfisher School facilities. They also advise me that the Westlands Sports site is now under council control. Notwithstanding this, there is no compelling evidence to show that the proposal would result in a surplus of pitches, but even in that scenario I am not convinced that material planning harm would arise from over-provision.
32. Wessex Water has recently finished installing a water main across the appeal site. This may need to be diverted at the applicant's expense but would not

prevent the proposal from going ahead. I note that the appellant has already been in communication with the statutory undertaker to discuss the matter.

33. The residents of Red Brick Cottage have raised concerns regarding loss of privacy within their bedrooms, ball trespass and the proximity of pitch users to beehives. I gave careful consideration to these matters during my visit but am content that the pitches would be sufficiently far from the boundary to prevent unacceptable adverse impacts. There is scope for landscaping to provide additional protection from overlooking and greenhouse damage. Whilst there would be some noise whilst the pitches are in use this would not be of such volume or duration as to constitute a material nuisance.
34. Photographs supplied by the owners of Red Brick Cottage illustrate the problems that are experienced with surface water runoff from the adjacent arable field. The appeal proposal provides an opportunity to address this issue through the provision of suitable on-site drainage and a soakaway/attenuation facility at the lowest point of the site. This benefit carries some weight in favour of the scheme.
35. I understand that tankers use the field to empty the septic tank belonging to Red Brick Cottage. This is a private matter between landowners, but there is no practical reason why this cannot continue – subject to the landscaping and drainage schemes being designed to accommodate it.
36. Despite concerns to contrary, there is no logical reason why the other half of the field should not continue in agricultural use. The proposal facilitates this by providing new accesses to this parcel of land.
37. Questions have been raised regarding financing for the project and long term viability. There is concern that public funding may be required. However, such matters are not directly relevant to my assessment of the planning merits of the application.
38. The officer report states that the proposal would result in the loss of grade 1 agricultural land. The Framework states at paragraph 112 that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be used in preference to that of a higher quality. In my judgement any harm arising from the loss of this site for arable cultivation would be modest and outweighed by the health benefits arising from this new community facility.
39. I have noted the other concerns relating to sewage disposal, the effect on badgers, archaeology and the absence of an agronomy report. However, these issues can all be addressed using appropriately worded planning conditions. I have taken into consideration all other matters raised in representations, including the lack of community consultation, but none is of such substance or weight as to alter my conclusions on the main issues.

Conditions

40. The Council has suggested various conditions in the event that I am minded to allow the appeal. I have considered each against the six tests set out in paragraph 206 of the Framework and advice within the PPG. Where necessary I have adjusted the wording to improve precision and enforceability.

41. In addition to the standard commencement condition, it is necessary to attach a condition to define the plans with which the scheme shall accord. This will provide certainty regarding the scope of the permission. Conditions are also required to secure details of external design and materials for the pavilion and equipment store, and the internal ground floor levels of those buildings relative to a datum point and proposed site levels, in the interests of the character and appearance of the area. For the same reason, and to help provide defence against overlooking and ball trespass, a condition is needed to secure the submission and implementation of a scheme of landscaping and tree protection.
42. To prevent problems with flooding and surface water runoff, conditions are necessary to ensure that the site is properly drained. I agree that details should be subject to the Council's prior approval and that the scheme should be based on infiltration techniques, as per the Flood Risk Assessment. A scheme for the future responsibility and maintenance of the surface water drainage system should also be provided, to guarantee its operation in the long term. Provision should also be made for foul drainage to the pavilion and a separate pre-commencement condition is required in relation to this.
43. The risk of crime, disorder and anti-social behaviour can be adequately mitigated using conditions which ensure the installation of security lighting and the incorporation of appropriate design features into the buildings to make them resilient to attack. These details will need to be approved by the Council. A further condition will also be needed to secure a scheme for the management of access arrangements, which shall include provision of a height barrier at the northern access point and measures to prevent vehicular entry at night.
44. The proposal is for a number of new and altered access points from Thorne Lane and Lufton Lane, including replacement field accesses for agricultural land to the west of the site. Conditions will ensure the construction of these accesses to the relevant highway standards prior to first use of the development. The existing access onto Lufton Lane immediately to the west of Red Brick Cottage can remain to provide access to the property's private drainage system, but it should not be used to provide access to the site. A condition to secure this is justified in the interests of highway safety.
45. Sport England has suggested a number of conditions the aim of which is to ensure that the playing field and pitches are of an acceptable quality. I agree that such conditions are necessary. It is also reasonable to impose conditions requiring the submission for the Council's written approval of a Management and Maintenance Scheme and a separate Community Use Scheme. These schemes will provide certainty over the delivery of the claimed community benefits and ensure that the facilities are responsibly managed in the long term.
46. The proposal is to use the site for sport and ancillary uses. The application was considered on this basis and therefore it is sensible to restrict use of the site accordingly. Other assembly and leisure uses within the D2 Use Class would require a fresh grant of planning permission and would need to be assessed on their own merits.
47. The list of suggested conditions does not include one relating to archaeology. However, the Council has confirmed that a pre-commencement condition to address the matter is acceptable. The appellant has provided a suggested form of wording but I have used a more generic version to allow for a scheme of archaeological work to be agreed in liaison with the Council's archaeologist.

48. Although there is no firm evidence to confirm the presence of badger setts within the site itself, there are records of setts within the immediate vicinity. The use of the site by foraging or commuting badgers would not preclude the development from going ahead. However, it is relevant to consider whether mitigation measures are required, based on an up-to-date badger survey the findings of which will need to be submitted to the Council prior to any groundworks commencing.
49. For reasons of public safety, the overhead wires which currently cross the site will need to be redirected or grounded unless it can be demonstrated that they do not pose an unacceptable risk. I have attached a condition to secure this objective.

Conclusion

50. For the reasons given above, I conclude that the appeal should be allowed.

Robert Parker

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - a) Location Plan, Drawing No. LGPS/YTHL/PP/GL/01/01
 - b) Existing Layout (Red Line), Drawing No. LGPS/YTHL/PP/GL/01/03
 - c) Proposed Layout, Drawing No. LGPS/YTHL/PP/GL/01/04 RevC
 - d) Proposed Pavilion Layout, Drawing No. LGPS/YTHL/PP/GL/01/08 RevC
 - e) Proposed Equipment Store, Drawing No. LGPS/YTHL/PP/GL/01/09 RevA
- 3) No development shall take place, including any ground works, until a badger survey has been undertaken by a suitably qualified ecologist, and a report setting out the findings of that survey (including details of any measures required to mitigate the impact of the development on badgers), has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the recommendations of the report.
- 4) No development shall take place until a scheme of landscaping and tree protection has been submitted to and approved in writing by the local planning authority. The scheme shall include the following details:
 - a) a comprehensive tree and hedge planting scheme (including a substantial planting belt along the western site boundary between the boundary and the maintenance track), the submitted details to include species, planting sizes and planting densities;
 - b) a layout plan of the below-ground drainage and services to be installed; and
 - c) a Tree Survey, Tree Protection Plan and Arboricultural Method Statement relating to all retained trees and hedges on or adjoining the site, so as to conform to BS 5837:2012 'Trees in relation to design, demolition and construction' which shall include:
 - i. a layout and specification of tree and hedge protection fencing;
 - ii. special protection and engineering measures for required access, installation of built structures, below-ground services, drainage and hard-surfacing within the Root Protection Areas of retained trees; and
 - iii. a schedule of compliance-monitoring for the duration of the construction phases of the development (inclusive of landscaping and dismantling of tree protection fencing).

All planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of twenty 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. The tree protection scheme shall be implemented in its entirety for the duration of the construction of the development.

- 5) No development shall take place until a surface water drainage scheme for the site, utilising infiltration techniques and based on the Flood Risk Assessment prepared by LGPS Resources, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 6) No development shall take place until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the local planning authority. The programme of archaeological work shall be carried out in accordance with the approved details.
- 7) No development shall take place until a scheme of foul water drainage has been submitted to and approved in writing by the local planning authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation the approved scheme shall be permanently retained and maintained thereafter.
- 8) No development shall take place until:
 - (a) A detailed assessment of ground conditions of the land proposed for the new playing fields as shown on drawing number LGPS/YTHL/PP/GL/01/04 RevC has been undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
 - (b) Based on the results of this assessment to be carried out pursuant to (a) above, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) has been submitted to and approved in writing by the local planning authority.

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the local planning authority.

- 9) No works to construct the pavilion and equipment store shall be carried out unless the following details have been submitted to and approved in writing by the local planning authority:
 - a) details of the internal ground floor levels of the buildings relative to a datum point and proposed site levels;
 - b) specific materials and finishes to be used for the external walls and roofs;
 - c) materials to be used for rainwater goods;
 - d) the design, type of material, plus colour and finish of all windows and doors plus recesses; and
 - e) a statement to explain how design features to be employed will make both buildings more resilient to anti-social behaviour.

Development shall be carried out in accordance with the approved details.

- 10) The development hereby permitted shall not be brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved details.
- 11) The development hereby permitted shall not be brought into use until security lighting has been installed in accordance with details which have been first submitted to and approved in writing by the local planning authority. There shall

- be no other external lighting, including floodlighting of the playing fields, without a separate grant of planning permission from the local planning authority.
- 12) The development hereby permitted shall not be brought into use until all overhead wires have been suitably redirected or grounded, unless otherwise agreed in writing by the local planning authority.
 - 13) The development hereby permitted shall not be brought into use until a scheme for the management of the access arrangements has been submitted to and approved in writing by the local planning authority. The submitted details shall include provision for securing the site at night and the installation of a height barrier which shall be permanently maintained at the northern access point. The scheme shall be implemented in accordance with the approved details.
 - 14) The development hereby permitted shall not be brought into use until a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review has been submitted to and approved in writing by the local planning authority. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of the playing field and recreation use.
 - 15) The development hereby permitted shall not be brought into use until a Community Use Scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include details of pricing policy, hours of use, access by non-educational establishment users/non-members, management responsibilities, a mechanism for review and a programme for implementation. The approved scheme shall be implemented upon the development being brought into use and shall be complied with for the duration of its lifetime.
 - 16) The development hereby permitted shall not be brought into use until the four new/altered access points from Thorne Lane and Lufton Lane have been constructed in accordance with the details set out on the approved layout plan LGPS/YTHL/PP/GL/01/04 RevC. The area between the entrance thresholds and the edge of carriageway (the aprons) shall be properly consolidated and surfaced in either tarmacadam or concrete. Entrance gates shall be sited as per the approved drawing and hung to open inwards. The gradient of the proposed accesses shall not be steeper than 1 in 10 and provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway. Once constructed the accesses shall thereafter be maintained in accordance with these requirements at all times.
 - 17) The four new/altered access points from Thorne Lane and Lufton Lane shall be provided with visibility splays whereby there shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the individual access concerned is first brought into use and shall thereafter be maintained at all times.
 - 18) The existing access onto Lufton Lane immediately to the west of Red Brick Cottage shall not be used other than for access to a private drainage system. Should the access not be required for such then it shall be permanently stopped up in accordance with details which have been first submitted to and approved in writing by the local planning authority.

- 19) The playing field and any buildings thereon shall be used for outdoor sport and ancillary uses and for no other purpose (including without limitation any other purpose in Class D2 of The Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 20) The playing field and pitches shall be constructed and laid out in accordance with the approved drawing number LGPS/YTHL/PP/GL/01/04 RevC and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011).

----- END -----



Appeal Decision

Site visit made on 9 January 2018

by **P N Jarratt BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 January 2018

Appeal Ref: APP/R3325/X/17/3180512

Greenacres Park, Coppits Hill, Yeovil, BA21 3PP.

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by J and E Fury against the decision of South Somerset District Council.
 - The application Ref 17/01522/COL, dated 29 March 2017, was refused by notice dated 22 May 2017.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is the proposed siting of two additional caravans.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. A number of representations have been made by local residents opposed to the proposed development, with some of these referring to the suitability of the use. However the planning merits of the use are not relevant and they are not therefore an issue for me to consider, in the context of an appeal under section 195 of the Town and Country Planning Act 1990 as amended, which relates to an application for a lawful development certificate. My decision rests on the facts of the case, and on relevant planning law and judicial authority.

The Site and Relevant Planning History

3. Greenacres Park is a residential mobile home park in Coppits Hill with a number of mobile homes sited in an 'L' shape around a well maintained central green area. To the rear of the eastern leg of mobile homes is an area of covered parking/open-sided garaging and an area of allotment gardens, both of which are accessed adjacent to terraced cottages. This parking and allotment area is the appeal site although it forms part of the wider ownership of Greenacres Park.
4. There have been a number of applications and permissions for the siting of caravans since 1954, originally for 11 caravans for a temporary period (24361), and then for 14 caravans with a condition limiting the number to 14 (24361/A). In 1979 an appeal was allowed for the continued use of land as a caravan site without a temporary permission condition (781544 and

SW/APP/5367/A/79/04164). In 1986 an additional mobile home was permitted (860727).

5. An application for an LDC for the existing use of the land as a caravan site for the siting of 15 caravans in contravention of condition 2 of permission 781544 was permitted on 6 November 2015 (15/03688/COL). The plans referred to in 781544 showed two strips of land forming an 'L' shape for the siting of 14 caravans although the LDC referred to a slightly different configuration which was held to be immune from enforcement action through the passage of time.
6. An application for an LDC for the proposed siting of an additional 2 caravans was allowed on appeal on 23 January 2017 (16/00006/COL and APP/R3325/X/16/3155212). The Inspector's reason for issuing the LDC was that "The siting of 2 additional caravans, bringing the total number of caravans on the site to 17, would not amount to a material change in the use of the land, and hence would not be development requiring planning permission." The plan attached to the notice showed an 'L' shaped siting of mobile homes which excluded the parking and allotment area, and the central green area.

The appellants' case

7. The appellants' state that the appeal site has been used lawfully as part of the caravan site and has been used as such for more than 10 years. They refer to the site history to support the view that the appeal site has always been within the ownership and control of the caravan site and formed part of the original proposals in 1978. The Google Earth images submitted by the appellants show that in 2001, 2006 and 2009, the appeal site was used as allotments and that there was a garage building on the site.
8. Reference is made to the definition of a caravan site at s1(4) in the Caravan Sites and Control of Development Act 1960 which "means land on which a caravan is stationed for the purposes of human habitation and land which is used in conjunction with land on which a caravan is so stationed". The appellants' consider that this includes the garaging area and the land used as allotments as an extension to the gardens which exist around each caravan.
9. The appellants appear to disagree with the fact that the Council granted the 2015 LDC (15/03688/COL) subject to a revised red line for a reduced site area but I note no appeal was made in respect of that decision.

The Council's case

10. The Council's reasons for refusal are threefold. Firstly the appeal site could not be lawful for the siting of 2 caravans as the site is clearly defined in permission 781544, the 2017 appeal decision (APP/R3325/X/16/3155212) and on the plan attached to the site license.
11. Secondly the current use of the appeal site is a mixed use of agricultural and sui generis uses. These are allotment plots, defined as agriculture under s336¹, and a garage/car port use which are not exclusively for caravan site occupants. Any change of use would constitute a material change of use.

¹ Crowborough PC v SSE and Wealden DC 1980 reported in JPL and reproduced at Appendix H of the Council's statement

12. Thirdly, the siting of caravans would require operational development which would not be permitted development under the Town and Country Planning (General Permitted Development) Order 2015, as amended (the GPDO).

Reasons

13. Much of the appellants' case appears to be predicated on the fact that because the appeal site is in the same ownership and managed as part of the caravan site, then it follows that all the activities within this ownership fall within a single land use as a caravan site. Similarly, it is argued that it forms part of a single planning unit and that two additional caravans would not represent a material change of use. However, this presupposes that the lawful use of the planning unit is solely as a caravan site and that garage/parking and allotments are ancillary uses.
14. Having regard to the functional and physical separation between the caravan site and the area used as open garage/parking and allotment use, as a matter of fact and degree, I share the view of the Council that the appeal site is a separate planning unit to that of the caravan site. These uses are clearly distinguishable on the ground and from the various plans associated with the permissions and certificates. They do not represent ancillary uses to a primary use of a caravan site. The site license plan does not support the appellants' case although I acknowledge that his appeal applies to the town and country planning context and not to any matters controlled by other legislation.
15. The introduction of two additional caravans outside the clearly defined caravan site area shown on the plan accompanying the 2017 appeal decision (APP/R3325/X/16/3155212) would represent a change to the existing mixed use from garage/parking and allotment use to a caravan site and this would represent a material change of use irrespective of any arguments made in terms of intensification of use. This latter point distinguishes the issues in this appeal to those considered in the 2017 appeal decision.
16. Notwithstanding my view on the planning unit, the appellants have not submitted any evidence by way of sworn statements or by other means that ties in the use of the appeal site by residents of the caravan site as extended gardens.
17. I have had regard to the representations of a local resident that a car has been garaged on the appeal site by a person unconnected with the caravan site. In the absence of further details about the users of the parking facility, this suggests that there is less of a connection between the caravan site and the use of the parking area.
18. The Council's refusal on the ground that operational development (which is unspecified) would be necessary and that this would not be permitted development under the GPDO is unclear. If this, for example, relates to the provision of hardstandings, the appellants correctly point out that the GPDO provides for works required by a site license, such as the provision of a suitable hardstanding. In this respect I have had regard to an appeal decision referred to by the appellant.²
19. The onus of proof is on the appellant in LDC cases and the level of proof is on the balance of probability. This has not been achieved in this appeal.

² APP/P0119/X/15/3136414

Conclusion

20. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the proposed siting of two additional caravans was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Peter Jarratt

Inspector

Agenda Item 11

Schedule of Planning Applications to be determined by Committee

Director: Martin Woods, Director - Service Delivery
Service Manager: David Norris, Development Control Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

Purpose of the Report

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

Recommendation

Members are asked to note the schedule of planning applications.

Please note: Consideration of planning applications will commence no earlier than 3.00pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 2.45pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
12	YEOVIL CENTRAL	17/04679/FUL	The installation of flood lighting around the multi ball court and skate park	Milford Adventure Playground Milford Road Yeovil	Mr Robert Parr
13	COKER	17/03894/FUL	The change of use of land to a mixed agricultural/equestrian, demolition of existing stable/store building and the erection of a replacement stable block and the erection of a polytunnel	Land East Of Woodhouse Lane Woodhouse Lane Montacute	Miss J Slade & Mr G Morgan

Further information about planning applications is shown below 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 had 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 12

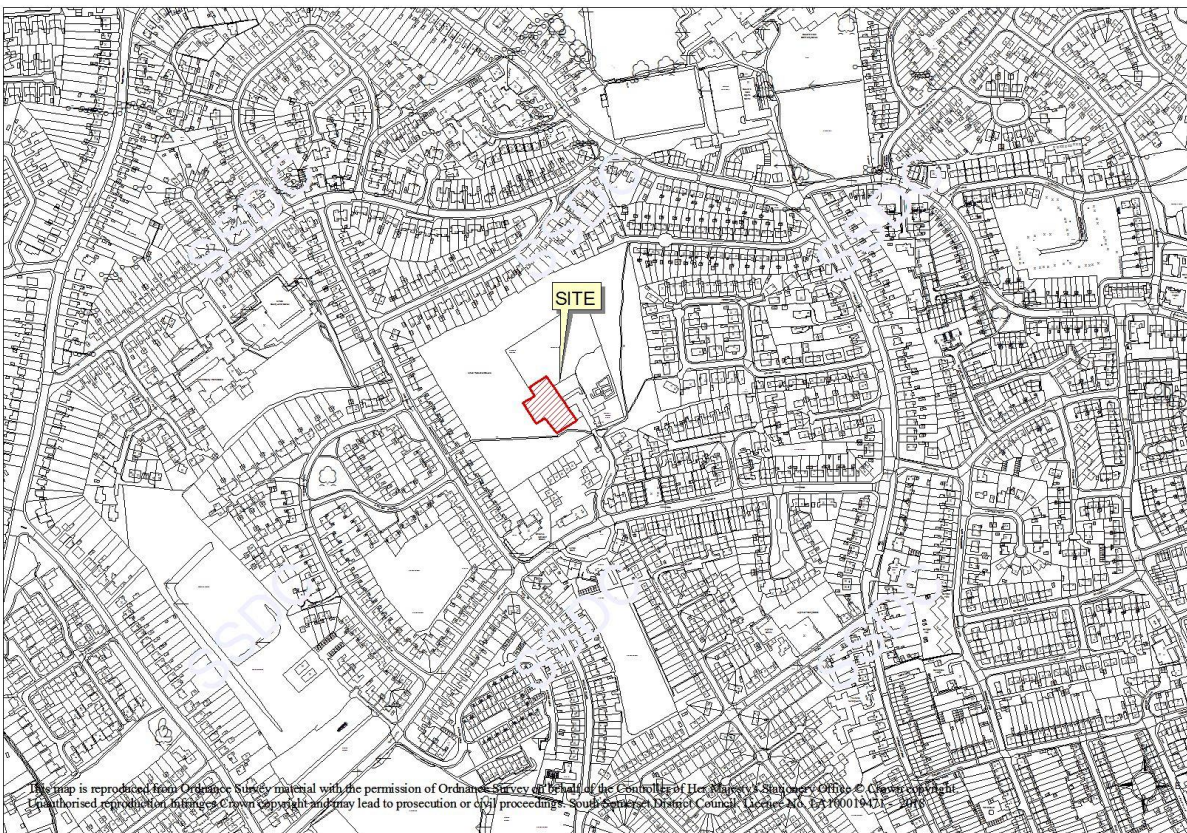
Officer Report On Planning Application: 17/04679/FUL

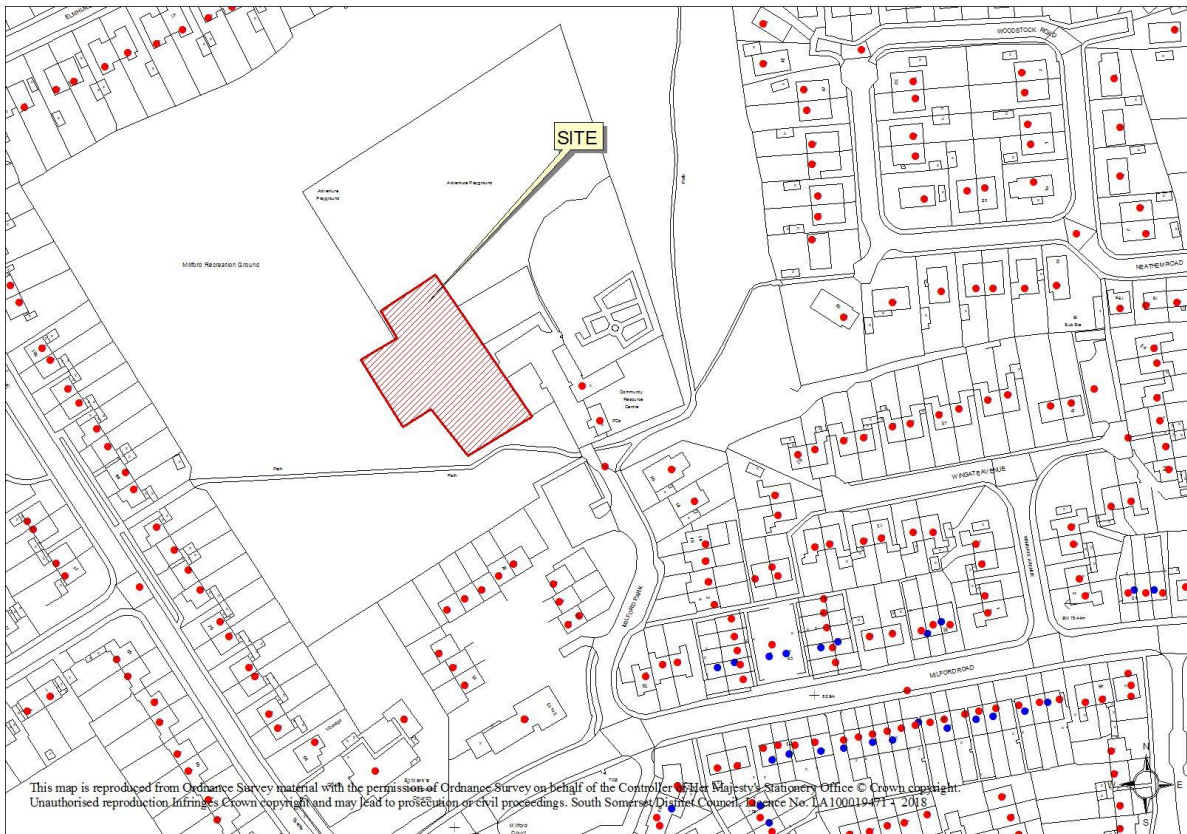
Proposal :	The installation of flood lighting around the multi ball court and skate park.
Site Address:	Milford Adventure Playground Milford Road Yeovil
Parish:	Yeovil
Yeovil (Central) Ward (SSDC Member)	Cllr K Hussain Cllr A Kendall Cllr P Gubbins
Recommending Case Officer:	Jane Green Tel: 01935 462079 Email: jane.green@southsomerset.gov.uk
Target date :	5th February 2018
Applicant :	Mr Robert Parr
Agent: (no agent if blank)	
Application Type :	Minor Other less than 1,000 sq.m or 1ha

Reason for Referral to Committee

In line with the Council's Scheme of Delegation, this application has been brought before Area South Committee because the case officer's recommendation is contrary to the comments of neighbours and the application has been submitted by South Somerset District Council.

Site Description and Proposal





Milford Adventure Park, is owned and managed by South Somerset District Council. The Play Area is located within and toward the centre of Milford Adventure Park in Yeovil, which also comprises large open grassy areas around the outside, gravelled footpaths, skate park, ball court, basketball court, Community Hall, public conveniences and car park. The Ground is surrounded by residential housing with the actual application site extending 0.25 hectares.

The application seeks planning permission for the installation of flood lighting around the multi ball court and skate park facilities. Each column would extend 6 metres high and there would be 9 no. columns in total.

The area already has a significant number of mature trees around it and the previous planning application for the new play equipment in 2012 secured some further screening with the planting of additional trees so the application site affords some beneficial screening.

HISTORY

12/01000/FUL - The installation of new play equipment with associated landscaping - Application permitted with conditions - June 2012

Various applications submitted since 1959 have involved planning permissions for the erection of a recreation room, toilets, fencing, sea cadets building, parking facilities

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

On the 5th March 2015 the South Somerset Local Plan (2006 - 2028) was adopted. Therefore it is considered that the development plan comprises this plan.

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

SD1 - Sustainable Development

SS1 - Settlement Hierarchy

EQ2 - General Development

National Planning Policy Framework (March 2012)

Chapter 7 - Requiring Good Design

CONSULTATIONS

Yeovil Town Council - Recommend approval

COUNTY HIGHWAY AUTHORITY - No observations - See PROW Y 32/10 (proposal does not impact the nearby public footpath)

SSDC HIGHWAYS CONSULTANT - No highways issues, no objection

SSDC Environmental Protection Unit - The proposed lighting scheme is consistent with the guidance issued by the Institution of Lighting Engineers Guidance Note on Light Pollution dated 2005. It appears to be designed to mitigate potential loss of amenity caused by glare and spillage. The model Isolux spill diagram also indicates that nearby properties will not be exposed to excess light spill.

I understand that concerns have been raised by local residents regarding the potential for increased noise in the area by encouraging prolonged use of the existing facilities. While I understand these concerns, there is no evidence to support this contention. The distance from the facilities is significant and in my 10 years of experience with dealing with noise issues, I have never substantiated a noise nuisance from the use of facilities of this nature.

I have no objection.

REPRESENTATIONS

78 neighbours have been notified (the same as the application for the play equipment in 2012) and a site notice (general interest) displayed, representations have been received summarised as follows:

- o Increased noise and disturbance
- o Anti-social behaviour
- o Light pollution
- o Cost of installation

CONSIDERATIONS

Principle of Development

This site has historic permission to be used as a recreation ground with planning permission granted more recently in 2012 to install new play equipment.

It is considered that this development would benefit the wider community by enhancing facilities on an established recreation ground within a settlement and the proposed development is considered to be acceptable and in accordance with the aims and objectives of the National Planning Policy Framework.

Visual Amenity

The District Council has explained that the provision of floodlighting to the Multi Ball Court and Skate Park would enhance the facilities available to the public, especially young people and will increase the amount of time the facilities can be used by the public.

In landscape terms the site is surrounded by residential properties with existing established trees and earth moulding within the site and from the wider area the site is not visible.

The columns would be 6 metres high. There are already lighting columns within the site that light the paths. Due to the expanse of the recreation ground, it is considered that the columns would not have a significant adverse impact on the area and the galvanised steel design is considered acceptable.

Residential Amenity

With regard to the issues raised about possible noise and disturbance, it has to be borne in mind that this is an existing recreational facility and the skate park and ball court already exist. Therefore the issue for consideration is whether the introduction of the floodlighting would result in such a significant increase in noise/light disturbance as to warrant refusal of this application. The nearest residential property is approximately 50 metres away from its nearest floodlight. The application is accompanied by technical information regarding the illuminance levels of the proposed floodlights and this has been assessed by the Council's Environmental Protection Officer. He has no objection to the proposal and states that the lighting scheme has been designated to mitigate potential for loss of amenity caused by glare and spillage. Given the distance of the lighting columns to the residential properties it is considered there would be no direct disturbance to residents caused by the level of illumination.

It is likely that a more intensive use of the Multi Ball Court and Skate Park resulting from it being lit at night, would increase noise and general activity but again bearing in mind the distance between these areas and residential properties, and the established use of the Recreation Ground and its associated activities, it is felt that the proposal would not significantly affect the amenities of the nearest residents. The 2130 curfew would help curtail late night disturbance and would reflect the other similar facilities mentioned by the applicant in their design and access statement (Kingsbury Episcopi, Martock, South Petherton, Misterton, Wincanton and Bruton).

In terms of anti-social behaviour, it is considered that the lighting should improve the existing situation as it would ensure that all activities taking place at the site could be readily viewed by the relevant enforcement bodies.

With regard to the concerns raised by local residents in terms of noise, again the Council's Environmental Protection Officer has stated that in his experience with these types of facilities they have never substantiated a noise nuisance from the use of facilities of this nature.

Highway Safety

The County Highway Authority and Council's Highway Consultant raise no objection to the proposal.

Other Matters

The issues raised by the objectors that cannot be considered within the scope of this application have been forwarded to the applicant during the course of the application. His response is on the electronic file.

Conclusion

For the reasons given above the proposed development is considered not to cause significant harm to

visual or residential amenity and is not considered to be prejudicial to highway safety and as such is recommended for approval.

RECCOMENDATION:

Approve subject to the following conditions:

01. The proposed development, due to its location, scale and nature, is not considered to result in any demonstrable harm to the local landscape, residential or visual amenity and therefore accords with the aims and objectives of EQ2 (General Development) of the South Somerset Local Plan (2006-2028) and the principles of the National Planning Policy Framework (2012).

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:

Location plan (scale 1:1250) and MC1-RevA

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

03. The materials to be used in the development hereby permitted shall be those as identified within the planning application form and technical information dated on the electronic file 09 January 2018 hereby approved and no other materials unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to comply with saved policy EQ2 (General Development) of the South Somerset Local Plan (2006-2028) and the provisions of chapter 7 of the National Planning Policy Framework

04. The floodlights hereby approved shall only be operated between 0800 and 2130 hours and programmed to prevent their use outside these agreed times. No other means of illumination shall be installed unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character of the area and to protect residential amenity to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

Agenda Item 13

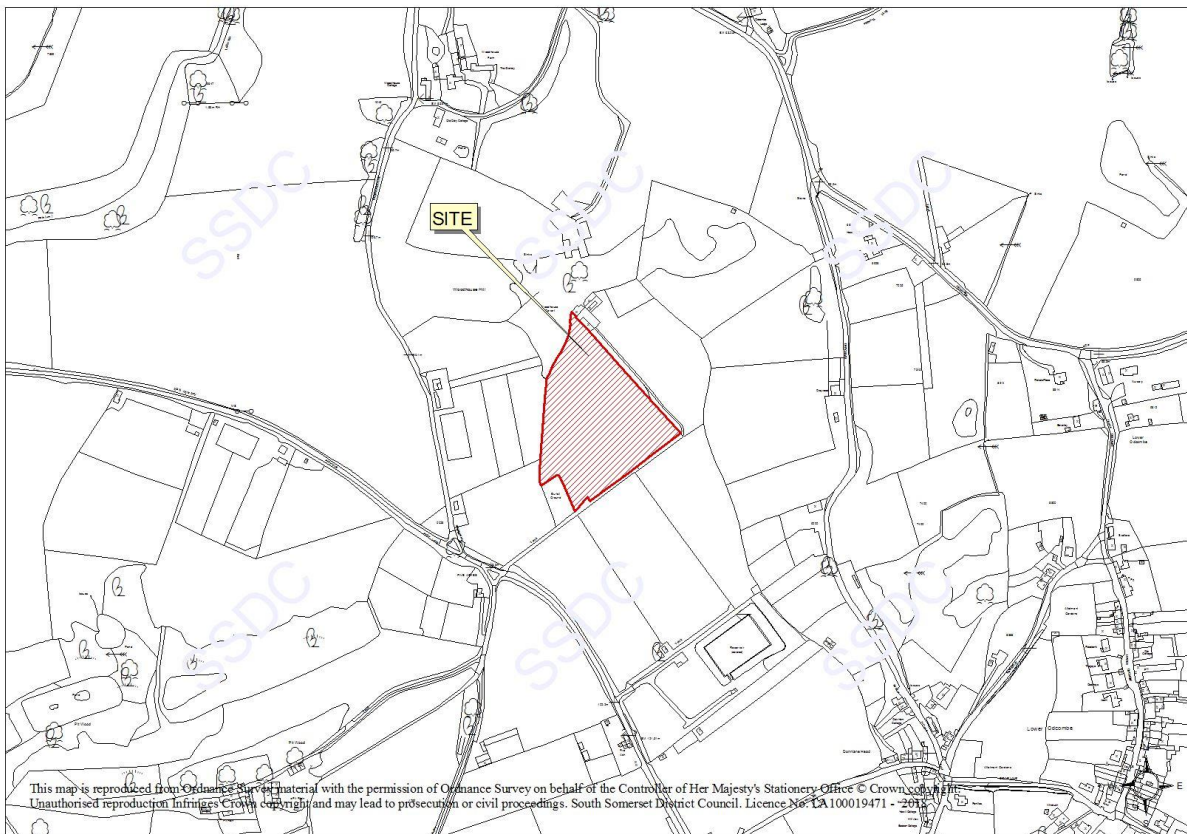
Officer Report On Planning Application: 17/03894/FUL

Proposal :	The change of use of land to a mixed agricultural/equestrian, demolition of existing stable/store building and the erection of a replacement stable block and the erection of a polytunnel.
Site Address:	Land East Of Woodhouse Lane Woodhouse Lane Montacute
Parish:	Odcombe
COKER Ward (SSDC Member)	Cllr G Seaton Cllr Cathy Bakewell
Recommending Case Officer:	Stephen Belli Tel: 01935 462644 Email: stephen.belli@southsomerset.gov.uk
Target date :	27th December 2017
Applicant :	Miss J Slade & Mr G Morgan
Agent: (no agent if blank)	Clive Miller Associates Ltd Sanderley Studio Kennel Lane Langport TA10 9SB
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

Reason for Referral to Committee

This application is referred for Committee consideration at the request of the Ward Member with the agreement of the Area Chairman in order to allow the planning issues to be debated.

Site Description and Proposal





The site comprises a small holding of some 1.85 hectares (4.5 acres) situated in the open countryside mid-way between Montacute and Odcombe. The land is split into a number of parcels split between grassland, an allotment style growing area, and an enclosed yard type area which contains a number of other small structures. Access to the site is gained for vehicles via a private track leading from the public highway over which the applicants have a right of way as far as the yard area. The private track then continues to the north-east and then turns sharply to the north-west terminating at a group of buildings known as Woodhouse Covert. To the north and west of the site lie other equine based facilities. To the immediate south of the smallholding boundary lies a stone wall enclosure which contains a burial ground. The burial ground and its wall are Listed (grade II) as being of special architectural and historic interest. A public footpath runs from the public highway along the private track and then turns northwards past the west facing wall of the burial ground. This footpath then runs to the north giving a view of the application site. The site contains a number of other small timber structures and sheds together with a more substantial metal clad structure situated in the 'yard' area along the eastern elevation of the listed wall.

The current application site holding is at present only used for agricultural purposes. Taken from the application form the application is stated to be for the change of use of the land to a mixed agricultural/equestrian use, demolition of an existing "stable/store" building and the erection of a "replacement" stable block and the erection of a polytunnel. The existing stable/store (there appears to be no stable use at this time) is located immediately to the north of the Listed Burial ground wall. The applicants live in Crewkerne at the present time (approximately 6 miles away).

The proposed stable building measures some 22.5 metres in length by 4.5 m in width by 3 m in height with an apex roof. The building takes the form of a standard stable block with timber clad walls and timber windows and doors under a timber shingles roof. The building will contain three loose boxes and a 9m by 4.5 m store to one end. The building is located on the footprint of the existing storage building situated directly to the north of the listed burial ground wall. The existing building measures some 21.6 m in length by 4.4m wide under a monopitch metal roof which slopes away from the wall

ranging in height between 2.9-2.1 metres at the eaves. Internally the building is split between two loose boxes and a store. The existing and proposed building run the entire length of the northern wall of the burial ground. The rear wall of the existing stable/store is formed by the burial ground wall. The new stable will be freestanding from the wall.

The other part of this proposal is for the erection of a polytunnel situated between the northern wall of the burial ground and the growing area. The polytunnel is intended to be used for agricultural purposes in connection with the growing area and will take the usual form of a semi-circular structure 9.1m by 4.8m by 2.5 m at its highest point. It is understood that the agricultural use of the land and the polytunnel will be for the applicants personal use although the accompanying planning statement refers to "some limited business use". Officers are however considering this as a personal use rather than a business use enterprise given its small scale.

Finally overlaying the proposed built development is a change of use of the land to allow for equine use as well as agriculture. The equine use will allow for the keeping, grazing and exercising of horses and normally allows if approved for the placement on the land of any moveable structures associated with an equine horse such as taped enclosures and moveable jumps and obstacles, but not more engineered structures such as a sand school manege.

RELEVANT HISTORY

04/03223/FUL - Conversion of part of loose box/stable into a dwelling in association with running a non-commercial smallholding (Retrospective Application) - refused 13/12/2005 - Appeal Dismissed 12/04/2006

(This relates to the shed along the eastern wall of the burial ground and not the current stable application site)

05/00316/USE - Enforcement notice against unauthorised residential use - Appeal Dismissed 05/02/2007

POLICY

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

SD1 - Sustainable Development

TA5 - Transport Impact of New development

EQ2 - General development

EQ3 - Historic Environment

EQ8 - Equine Development

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 decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

Central Government advice

National Planning Policy Framework (March 2012)

Part 4 - Promoting sustainable transport

Part 7 - Requiring good design

Part 12 - Conserving and enhancing the historic environment

Policy-related Material Considerations

Wildlife and Countryside Act 1981

CONSULTATIONS

Parish Council:

Recommends approval

County Highway Authority:

Standing advice applies. Refer to rights of way protection as appropriate.

County Rights of Way team:

Works should not encroach on public right of way which runs past site. Any works which impact on the right of way will need separate permission. Rights of way map extract enclosed with response which confirms public footpath runs along the western boundary of the site.

SSDC Environmental Protection Unit:

I would recommend the following conditions should this application be approved:

The application site is within 250 metres of a suspected landfill site. The applicant/developers attention is drawn to the fact that there is the potential for production and migration of landfill gas. You are reminded that the responsibility for safe development rests with the owner and/or developer. Accordingly, the applicant/developer is advised to seek independent expert advice regarding the possibility of the presence, or future presence, of gas and whether any precautionary measures are necessary. The Council's Environmental Health service will make available to you, free of charge, any information or data that it has in relation to the land to which the application applies. For further information please contact Tim Cox 01935 462526.

Contaminated land watching brief (SSDC)

In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or remains from the past industrial use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development and development must be halted on that part of the site. If the LPA considers it necessary then an assessment of the site must be undertaken in accordance with BS10175. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Local Planning Policy.

SSDC Landscape Architect:

I recollect the site from a planning appeal circa 12 years ago. The following text is taken from my landscape statement at that time, and I consider those same considerations of landscape character being pertinent to this application;

2.1 This evidence sets out the landscape case for dismissal of the appeal before you under ground A, to allow domestic and smallholding accommodation adjacent the former Baptist burial ground at Higher Odcombe. It considers the;

- i) Setting of the listed structure (SSDC local plan policy EH5) and;
- ii) Impact upon landscape character (SSDC policies ST5 and EC3).

2.2 The burial ground lays alongside a rural track, in open countryside off the Ham Hill road. A public

right of way runs immediately aside its SW boundary. It is demarcated by coursed limestone walling, constructed in 1868 to contain a burial plot said to have been established in 1606 (ref.1). This isolated location dates back to a time before the Toleration Acts of 1689, when non-conformists could not be buried within 5 miles of a town. The burial plot is indicated on the tithe maps of the 1830's (ref.2) and the walls are given definition on the 1880 series OS map (ref.3). An overhead photograph taken circa 1946 graphically illustrates the isolation of the burial ground (ref.4).

2.3 This documentary evidence indicates the burial plot to be set in a relatively isolated location, remote from local villages, standing in its own open space. As such, it is an unusual expression of local history, of which the site's isolation is a major facet. The walls form a containing structure, which emphasise the singularity of the site and its location. Until recent times, the site was unencumbered by any form of adjacent structures. Thus building aggregation adjacent the site, and any form of domestic expression in close proximity is contrary to the historic setting of the burial ground, and its historical evolution, resulting in a clear and detrimental impact upon the listed structure, contrary to policy EH5.

2.4 Local plan policy ST3 strictly controls development outside development areas, and policies ST5 and EC3 require development proposals to respect the character and setting of the locality. Additionally, PPS 7 advocates the general protection of the countryside, and suggests that an assessment of local character and distinctiveness should inform a potential for development.

2.5 In this location, once to the west of the village of Odcombe, the landscape of the Ham Hill stone and Yeovil Sands plateaux is characterised by its relatively level and open profile of (predominantly) pasture fields, incised by wooded combs. Other than occasional dispersed farmsteads, there is sparse development presence and a sense of remoteness, which is a further defining characteristic of the area. The singularity and relative isolation of the burial ground is a landscape component that accords with, and uniquely contributes to, this character.

2.6 Domestic development in this location would be at variance with the distinctive character of this landscape area. Building aggregation also represents an erosion of the listed structure's singularity, and its relative isolation. Development permitted here would adversely impact upon the setting of the listed structure and its historic character, and that of local landscape character, contrary to the policies referred to above. Consequently I would assess that there are clear landscape grounds on which to base a refusal of this application.

I view any form of built development (and redevelopment) in proximity of the burial ground as substantially eroding local character, consequently LP policy EQ2 now applies, as does EQ3 relative to heritage (Andrew may comment further) to provide grounds for refusal. Neither does the stable proposal relate to existing settlements or groups of buildings as is required by LP policy EQ8. There may be scope for development elsewhere on the holding, and this may be worth investigating in tandem with an agreement to remove existing structures from the burial ground's vicinity, to safeguard the integrity of the site.

I accept that there is a baseline position of the two structures currently aside the wall. This is an existing adverse impact. It follows that any change that exacerbates this impact, creates a greater harm. As Andrew has said of the stable proposal;

The existing buildings have a temporary appearance and form. This contrasts with the more formal and purpose built nature of the proposed building. A replacement building such as this formalises the presence of built form around the listed structure. I suggest that this change is harmful to the setting of the listed building, and that an alternative site must be sought.

Neither does the stable proposal relate to existing settlements or groups of buildings as is required by LP policy EQ8.

The poly-tunnel will introduce structural form to the adjacent open field - also the setting of the burial

ground, which is uniquely and historically characterised by its singularity and relatively isolation. I view this resulting aggregation of structural forms to further erode the setting of the burial ground, and thus add to the adverse impact. Consequently we view the application proposal to exacerbate the current level of harm, to thus be unacceptable.

I also note the proposed change of use to a mixed agriculture/equestrian use. Equestrian use can manifest in substantial change to the character and condition of the landscape. with landscape impacts arising from the subdivision of spaces, which can change the scale and grain of the landscape; the introduction of visual clutter created by polytape, fencing, jumps, field shelters and vehicle storage; and damage to grassland habitat caused by poaching, compaction and overgrazing. This compounds the landscape and heritage case against the proposal, to add to the grounds for refusal.

FURTHER COMMENTS

Having visited the site, I have no reason to change my views as previously expressed to Andrew. I consider there to be a clear case for a refusal, however, we have attempted to find a middle way, which enables the applicant's use of the site, whilst potentially reducing the adverse landscape and heritage.

SSDC Conservation Officer

There is a lot of relevant planning history here, including a number of enforcement files and a failed appeal. I note that the existing structures are shown on the 2001 aerial photos on our system. The Burial Ground walls were listed in 2004. Consent would have been required for these structures post 2004 as they are fixed to the listed walls, but as they were already built we must accept that they are authorised.

The burial ground stands in an isolated location away from the road and any other built form (other than those referred to above). Its isolated position is a significant characteristic of the historic asset, which is visually important and aids us in our understanding of the significance of the site. The walls enclose a non-conformist (in this case Baptist) burial ground that is understood to have been in use before the Toleration Act of 1689. Prior to this non-conformist burial grounds had to be sited at least 5 miles from the nearest town, hence this location.

The erection of buildings up against the listed walls, or in close proximity to, must be considered harmful to the historic setting of the burial ground. Such buildings dilute the well-established sense of isolation that the asset enjoys; which was an intentional characteristic when the site was chosen, and was a characteristic that was retained until the existing lean-to structures were added.

The existing buildings have a temporary appearance and form. This contrasts with the more formal and purpose built nature of the proposed building. A replacement building such as this formalises the presence of built form around the listed structure. I suggest that this change is harmful to the setting of the listed building, and that an alternative site must be sought. I note that the red line area is fairly extensive. If you are minded to accept the principle of buildings here then an alternative location towards the northern end of the applicants land should be acceptable from my perspective, on the basis the existing structures are removed.

FURTHER COMMENTS

Following a visit to the site we came up with what appear to be workable alternatives that the applicant appeared willing to consider when we met at the Council Offices. The emphasis with this was to move built form away from the north side of the historic walls, which are most visible from the footpaths, and place new buildings on the east side, which is much more contained by existing planting. This

approach would protect the setting of the heritage asset - and we know that **great weight** must be given to the asset's conservation.

REPRESENTATIONS

No letters of representation received

CONSIDERATIONS

Principle

Development in the open countryside is generally restricted to that which needs a land based activity or which relates to an existing land based enterprise such as agriculture. Policies contained within the National Planning Policy Framework encourage rural diversification and use of agricultural land subject to their being no environmental harm.

Policy EQ2 of the South Somerset Local Plan (2006-2028) states the following

Development will be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district.

Development proposals, extensions and alterations to existing buildings, structures and places will be considered against:

- o Sustainable construction principles;
- o Creation of quality places;
- o Conserving and enhancing the landscape character of the area;
- o Reinforcing local distinctiveness and respect local context;
- o Creating safe environments addressing crime prevention and community safety;
- o Having regard to South Somerset District Council's published Development Management advice and guidance; and making efficient use of land whilst having regard to: (inter alia) Local area character; and site specific considerations

Members will note the phrase reinforcing local distinctiveness and respecting local context, as well as having regard to local character and site specific considerations. In this case it is acknowledged that the proposal involves a land based use which can take place in the countryside. Conserving landscape character is another important phrase in the policy and will be referred to below along with the policy on equine development.

Policy EQ8 deals specifically with equine based developments and states the following -

Horse related facilities and equestrian enterprises in the countryside will be permitted provided:

- o New stables/field shelters closely relate to existing settlements or groups of buildings and should not interfere with the amenities of the adjoining residents;
- o Their design, scale, siting and materials respect the landscape character of the locality;
- o Development will not be allowed to proceed unless it can be demonstrated that it will not result in any adverse impact to the integrity of national and international wildlife and landscape designations, including features outside the sites boundaries that ecologically support the conservation objectives of designated sites;
- o Any proposal for equestrian development including apparatus, jumps, maneges, schooling areas and field sub division should respect or enhance the characteristic pattern and features of the surrounding landscape.

As a preamble to the policy the Local Plan states that consideration should be given to the following.

By its nature equestrian development can have a cumulative impact and can have an adverse impact on the rural character of the area. New buildings can adversely affect landscape character and natural beauty where they detract from existing characteristics e.g. due to scale or material or design. Therefore it is important to consider the current character of the countryside and how equine development can ultimately impact upon it.

In this respect the comments of the Council's landscape architect are noted. Whilst it may be argued that the proposed buildings are small scale and are an attempt at supporting a local enterprise and tidying up the site this has to be balanced against wider landscape harm. It is true to say that other areas near to the applicants holding have also been the subject of equine use approvals. These have already had an impact on the character and open-ness of the landscape and the provision of further 'clutter' and equine use will not enhance what is left. Whilst it would be possible to control moveable structures such as jumps through a planning condition it is much less easy to control the dividing up of the fields using polytape. The provision of both a polytunnel and the new stable building will not enhance local landscape character and thought should be given as to any alternative siting (see below).

Impact on setting of heritage assets

The Listed Baptist Burial ground is described as follows in the official entry of Listed Buildings -

"Cemetery boundary walls and six headstones. The walls were built in 1868 and enclose earlier burial ground that is said to have been established in 1606 and was extended to south in 1774 and again in 1809. Coursed limestone rubble walls with rubble capping. Large rectangular enclosure with pedestrian gateway on south east side with moulded stone frame and later iron gates. Towards the north end there are six C18 headstones with shaped heads, three of which have angels carved in relief at the top. They are the earliest gravestone in the cemetery. The Baptist burial ground at Five Ashes is claimed to have been established in 1606, but the first recorded interment was 1720. It is situated in an isolated location at some distance to the NNW of the village of Odcombe. This is an interesting and early example of a Baptist cemetery containing some of its first gravestones". (Listed 7 April 2004)

In determining this application LPAs should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess

Policy EQ3 of the South Somerset Local Plan (2006-2028) is relevant and states the following -

Heritage assets will be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place. Their potential to contribute towards the economy, tourism, education and local identity will be exploited.

All new development proposals relating to the historic environment will be expected to:

- Safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets;
- Make a positive contribution to its character through high standards of design which reflect and complement it and through the use of appropriate materials and techniques;
- Ensure alterations, including those for energy efficiency and renewable energy, are balanced

alongside the need to retain the integrity of the historic environment and to respect the character and performance of buildings, adopting principles of minimum intervention and reversibility.

Historic England have given LPAs advice on assessing the impact on setting in their publication "Historic Environment Good Practice in Planning Note 3". In that document they make clear that setting is not just about the visual relationship of the proposed work to the Listed Building but is a wider appreciation of how the Listed Building is experienced and any cultural reasons that make the setting of the Listed Building important. The comments of both the Council's Landscape Architect and Conservation Officer refer to this wider background as to why the burial ground was chosen to be in this isolated location away from any town and the importance of that feeling of isolation being maintained. The Conservation Officer also mentions the existing building has more of a temporary appearance with the new modern stable block having a greater and detrimental impact. The advice referred to above also mentions cumulative impact and that settings change over time. The potential for a wider appreciation of the setting is apparent in this case as the new stable building and polytunnel will be directly seen from the nearby public footpath. Whilst setting as a concept is not dependant on whether or not it can be seen the fact that it is in this case accentuates the harm.

In this case it is considered that the new modern stable block will not enhance the setting of the Listed Building and the addition of a polytunnel will add to the visual clutter and further detract from the openness of the site.

Rights of way

Whilst the right of way runs past the site it is not affected directly by the proposal and subject to it not being blocked during any construction work there are no issues in this respect.

Enforcement issues

05/00316/USE - Enforcement notice against unauthorised residential use - Appeal Dismissed
05/02/2007

At some time prior to April 2006 a building which existed along the eastern wall of the burial ground was erected (freestanding from the wall) as a replacement of an earlier building damaged by fire. That building was the subject of a retrospective planning application for approval. In dismissing that planning appeal the Inspector said the following.

"Given the site abuts the boundary wall of the burial ground, it is likely that a replacement building, if justified would be more appropriate sited elsewhere on the land in order to enhance the setting of this listed building".

Following the planning refusal an enforcement notice was served requiring the use of the building for residential use cease and that all fixtures and fittings not associated with the agricultural use of the land be removed. The ensuing appeal was dismissed and the Inspector required the residential use to cease and to "remove from the land all domestic items, materials, fixtures and fittings not necessary for the purposes of agriculture". The inspector gave the landowner 9 months to comply. Whilst the residential use has now ceased it is apparent that the building still contains domestic items such as a sofa, table and chairs, refrigerator etc. At the time of writing this report the case officer was not able to access the interior of the building so at this stage cannot be certain the terms of the enforcement notice have been fully complied with. In addition the case officer has queried a number of other sheds in the vicinity as to whether or not they have permission or are immune. By way of a response the applicant's agent considers the use of the larger shed against the eastern wall does not constitute a breach of planning control as they use it for refreshments whilst working on the holding. They also refer to the sheds having been on site for more than the requisite 4 year period to make them immune.

Consequently at this stage there is some uncertainty regarding the use of the shed against the eastern wall the subject of the enforcement notice which can only be resolved through further investigation. Similarly there is no clear evidence put before the Council as to the immunity of the other sheds.

Potential way forward

The Case officer met with the applicant and her agent at the Council Offices together with the Council's Landscape Architect and Conservation Officer to seek a way forward and an alternative site. The preferred solution was that any new buildings would be sited at the northern end of the applicant's holding so that they would be grouped with the buildings at Woodhouse Covert. By doing so they would then have complied with policy on landscape grounds and on protecting the setting of the Listed Building. In response the applicant said they had no right of access to that point and would also need to bring in water and electricity so they discounted this as an option.

Consequently officers met on site to consider a further alternative siting and confirmed back to the applicant's agent in writing with a plan attached relating to a site in the informal yard area to the east of the burial ground wall. The stable building and polytunnel could be accommodated in this area and it was further suggested that the sheds referred to above out in a more open area be re-located to this more discreet area sheltered by conifer trees. It was further suggested that the building the subject of the Enforcement Notice also be removed in line with the recommendation of the earlier Planning Inspector and that any rest/refreshment facility be accommodated in the new store on the end of the stable building.

By way of a response the applicant's agent has declined these suggestions saying the polytunnel would be shaded but with no other reasons given other than the sheds are immune from enforcement action as is the shed against the eastern wall which in any event is not part of the application. The applicant now wishes the application to be determined as submitted.

It is therefore with regret that a recommendation of refusal has been formulated albeit officers consider a workable alternative siting could be accommodated in the informal yard area which would have less of an impact on landscape character and on the setting of the Listed Building. It was put to the applicants that this alternative siting would result in a likely recommendation of approval.

CONCLUSION

The proposed stable and polytunnel are considered to be contrary to policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and to the advice set out in the National Planning Policy Framework and Historic England guidance relating to the protection of the setting of heritage assets.

RECOMMENDATION:

Refuse for following reasons:

SUBJECT TO THE FOLLOWING:

01. The proposal is considered to be contrary to Policy EQ3 of the South Somerset Local Plan (2006-2028) in that the siting of a large modern stable building and polytunnel in close proximity to the Baptist Burial Ground which constitutes an important Listed Building and designated heritage asset will not conserve, enhance or make a positive contribution to the setting of the heritage asset. The proposal will detract from the local distinctiveness and sense of place of the heritage asset which in this case will be particularly marked by virtue of the heritage asset being directly experienced from the adjacent public right of way. The proposal is also considered to be contrary to the advice set out in National Planning Policy Framework which requires great weight

to be given to protecting the setting of heritage assets and the advice offered by Historic England.

02. The proposal is considered to be contrary to Policy EQ2 and EQ8 of the South Somerset Local Plan (2006-2028) in that the introduction into this part of the landscape of a large new modern stable building and polytunnel as well as the potential for moveable structures and dividing features does not conserve or enhance the landscape character of the area and does not reinforce local distinctiveness or respect local context. Neither are the buildings grouped with other buildings or the buildings design scale and materials in sympathy with the local context.

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 and the LPA have worked together to consider an alternative siting but agreement has not been reached.

Agenda Item 14



AREA SOUTH COMMITTEE

7th February 2018

ITEMS FOR INFORMATION

The items for information do not form part of the agenda and are circulated to members of Area South Committee and Area Development Lead only. Should members have questions regarding any of the items please contact the officer named in the relevant report. After discussing the item with the officer, and with the Chairman's agreement, a member may request the item to be considered at a future Committee meeting.

SSDC Welfare Advice Work in South Somerset (For Information Only)

Director: Martin Woods, Service Delivery
Head of Service: Ian Potter, Vulnerable Client lead Specialist
Service Manager: Alice Knight, Careline and Welfare Manager
Lead Officer: Catherine Hansford, Welfare Advice Team Leader
Contact Details: catherine.hansford@southsomerset.gov.uk or 01935 463737

Purpose of the Report

To update and inform Members on the work of the Welfare Advice Team for the financial year 2016/17.

Public Interest

The report gives an overview of the work of the SSDC Welfare Advice Team across South Somerset.

Recommendation

Members are invited to comment on the report

Service Summary

Established in 1999, the Welfare Advice Team consists of 2.1 full time equivalent staff responsible for undertaking casework for clients across the whole of South Somerset.

The Team are situated within the Housing and Welfare Service and provides free, confidential and impartial information, advice and advocacy on Welfare Benefits.

We carry out specialised case work; preparing claims, representing clients at Appeals, up to and including First-Tier and Upper Tier Tribunals.

The service is provided by telephone & appointments at Petters House, the Area Offices, local Advice Surgeries and also by home visits where appropriate.

Impact Summary

In the year 2016/17 the Welfare Advice Team delivered:

- Helped **482** clients across South Somerset
- Achieved an annual increased income of **£1,025,202.19**
- Lump sum payments total of **£175,940.53**
- Combined total of **£1,201,142.72** – over **10 times** the cost of the service (£111,047)

We also challenged 90 decisions at Mandatory Reconsideration or Appeal (19% of our caseload):

Mandatory Reconsiderations (MR's)

- 16 Mandatory Reconsiderations were successful
- 6 clients with unsuccessful Mandatory Reconsiderations did not wish to pursue an appeal.

The unsuccessful MR's, can be progressed to appeal (First Tier tribunal) stage, if our clients agree.

Some cases that come to us are already at appeal stage.

Appeals to the Tribunals Service

- 67 decisions were challenged at First Tier Tribunal
- 58 Tribunals were successful
- 6 Tribunals unsuccessful
- 3 Tribunals remain outstanding

70% of the lump sum payments and 35% of the annual increased income was achieved by appeal work.

Please note that these figures are provisional (12/01/2018) due to some cases work remaining outstanding. We would expect these figures to show a further increase as some cases await outcomes.

It is also worth noting that of all the 90 disputed decisions, were for working age disability benefits – 1 Disability Living Allowance (DLA), 45 Personal Independence Payment (PIP) and 20 Employment and Support Allowance (ESA).

According to national statistics from the Ministry of Justice (1), the number of PIP and ESA appeals October to December 2016 were up by 71% and 58% respectively compared to the same period the previous year. ESA and PIP appeals now comprise 85% of the total number of appeals received.

The figures also show that, of the 39,696 appeals cleared at hearing, 63% were overturned (found in favour of the claimant). Broken down by benefit type –

- 65% of PIP appeals were overturned
- 68% of ESA appeals were overturned

Our success rate for ESA is 95% and for PIP is 88% highlighting how important it is to have representation at a First Tier-tribunal.

Area South:

- Helped 179 clients across the area
- Achieved an annual increased income of **£425,928.60**.
- Lump sum payments total of **£78,520.18**.
- Combined total of **£504,448.78**

Saved and Maintained Tenancies

Historically, saved and maintained tenancies have been gradually reducing over the years due to a shift in the way the Welfare Advice team works.

Early intervention is key in the current financial climate and our updated referral processes and multi-agency working ensure that our clients receive immediate advice and support when their issues are identified.

This can often mean that clients receive Housing Advice from our own Housing Advice Centre (HAC), Debt, housing and preliminary benefit advice from Citizen's Advice South Somerset, with the SSDC

Welfare Advice team undertaking more complex and specialised appeal work further down the line once the immediate tenancy issues have been resolved.

The need for support for people to retain their homes has never been greater than now given the consequences of Welfare Reform so we strive to work alongside other agencies to ensure that our clients are given the correct support at the correct time, no matter where their first point of contact is.

Ongoing Changes in Social Welfare

The 2012 Welfare Reform Act represents the biggest change to the welfare system in over 60 years. All these changes are also taking place against a backdrop of reductions in funding from central government across both the statutory and third sectors.

2013 saw the application of the Spare Room Subsidy and the Benefit Cap in addition to households with private tenancies already subject to the Local Housing Allowance.

Benefit Cap – The second stage of the benefit cap came into force in November 2016, at £20,000 for lone parents and couples, and £13,400 for single childless people.

The figures for the households in South Somerset receiving extra help with housing costs through Discretionary Housing Payments (DHP) are shown below:

- 230 in 2012-13
- 487 in 2013-14
- 513 in 2014-15
- 357 in 2015-16
- 406 in 2016-17

The Local Assistance Scheme continues in place of the Social Fund.

In 2014-15 CASS processed **136** LAS applications and in 2015-16, **179** applications. This excludes food & fuel parcel only cases. In 2015-16, **209** food and fuel parcels were awarded.

In 2016-17 **259** clients were awarded LAS grants and **142** food and fuel parcels awarded.

Universal Credit

Most of the means-tested benefits system for working-age families has now being replaced with a single payment called Universal Credit (UC), which went full service for most people in our area in April 2017.

The IFS Green Budget 2016 (2) was the first comprehensive analysis of the effects of UC since the cuts in the July 2015 budget. It found that a series of pre-emptive cuts means that introducing UC will in the long run reduce the financial benefit of the new system – including to working families.

When first proposed UC was intended to be more generous than the current system, but cuts to how much recipients can earn before their benefits start to be withdrawn have reversed this.

Robert Joyce, an Associate Director at the IFS and an author of the report, said: “*The long run effect of universal credit will be to reduce benefits for working families on average – a reversal of the original intention. However, the potential gains from simplifying the working-age benefit system remain mostly intact: universal credit should make the system easier to understand, ease transitions into and out of*

work, and largely get rid of the most extreme disincentives to work or to earn more created by the current system.”

New research, carried out with the Institute for Public Policy research, highlights that cuts will lead to a million more children in poverty (3)

The report looks at both the world of tax credits and the new Universal Credit (UC) system, and finds that:

- Working families stand to lose £930 a year on average from cuts in the tax credit system and £420 a year from cuts to Universal Credit – these are losses across the population, so the losses for tax credit and UC recipients would be much higher.
- Freezes and cuts to Universal Credit work allowances will leave lone parents worse off by, on average, £710 a year, couples £250 a year.
- Work allowance cuts have the greatest impact in cash terms on households in the second and third deciles (the ‘just about managing’ group).
- While work incentives may have improved for some families, big falls in family income caused by cuts and changes to Universal Credit have left many worse off overall, overwhelming any gains from increases in the ‘national living wage’, personal tax allowances and help for childcare.
- The poorest 10 per cent will lose 10 per cent of their income (£450 a year) on average compared with what was promised by Universal Credit.
- The average family with three children will be 10 per cent (£2,540 a year) worse off, and the average family with four or more children 19 per cent (£5,000 a year) worse off due to Universal Credit cuts.
- Families containing someone with a disability will be £300 a year worse off due to Universal Credit cuts; families containing someone with a severe disability will be £530 a year worse off.
- Uprating decisions will cost the average single parent family on Universal Credit £710 a year, with the average couple with children losing £430 a year.
- The cuts to Universal Credit would put 1,000,000 children in poverty and 900,000 in severe poverty by the end of the decade, assuming the absence of tax credits.

The DWP have rolled Universal Credit out on a “test and learn” basis however, now almost a year in, sadly many issues have still to be rectified, particularly impacting on vulnerable clients in rural areas. The Welfare Advice Team continues to work with the DWP at region level to monitor and feedback issues.

As Universal credit is still relatively new, there are no statistics to report at this time.

In the meantime, the migration of Incapacity Benefit cases to Employment and Support Allowance continues, as does the migration of Disability Living Allowance recipients to Personal Independence Payment.

Secondary Benefits

Over time a whole raft of secondary benefits have been developed and eligibility has depended on receiving Income Support, income based Jobseeker's Allowance, income related Employment and Support Allowance, Child Tax Credits and now, certain elements of Universal Credit.

These are the 'passported benefits' and provide access to free school meals, school travel, prescriptions, dental treatment and other reductions in prices for services, e.g. leisure, Careline etc.

The Social Security Advisory Committee, a statutory independent committee which advises Department of Work and Pensions (DWP) on the operation of the benefits system, has recently produced a report (4) which raises clear concerns about the loss of these passported benefits.

It points out that these benefits make significant contributions to the health and wellbeing of low income families and to preventing child poverty and social exclusion.

If families lose benefits and in turn eligibility for free school meals this also impacts on the overall funding the schools receive in the 'pupil premium'.

In addition if families migrate because of the Housing Benefit caps and other loss of income arising from the reforms, then this will have significant impact sub-regionally and could exacerbate disparities of wealth in rural areas.

Unemployment

Unemployment is not so much an issue in South Somerset as underemployment - few people realise just how many in work rely on Housing Benefit to pay their rent.

UK figures published in December 2013 found that the largest group in poverty are working age adults without dependent children - 4.7 million people were in this situation, the highest on record. Pensioner poverty is at its lowest level for 30 years. (5).

According to research published in May 2017 by Cardiff University and funded by Nuffield Foundation, more than half (60%) of people living in poverty in the UK live in a household where someone is in work, the highest figure recorded.

Crucially, the research finds that the number of workers in a household, and not low pay, is the primary determinant of in-work poverty. People living in one-earner households' account for almost 60% of people experiencing working poverty, more than double their population share. (6).

The Value of Welfare Advice

By ensuring the maximisation of income and helping to challenge decisions, welfare rights services ensure that national government covers such housing costs instead of the council by way of the homelessness route and/or loss in rent collection

The Low Commission, in May 2014, published a major follow up work on the economic value of social welfare advice (7) and presents compelling evidence from different sources that social welfare advice saves public services money. So apart from putting money in the pockets of those who need it, there is also widespread added value from our work.

Looking at all work to date on Cost Benefits Analysis (CBA) and Social Return on Investment data, the report finds that this not only pays for itself, but it also makes a significant contribution to families/households, to local area economics, and also contributes to significant public savings.

Different studies done in the UK, US, Canada and Australia have all demonstrated similar findings that for every pound or dollar invested, there's a multiple of 10 in the savings produced by, for example, keeping people their homes with jobs and incomes intact rather than having to utilise expensive crisis and emergency services. The review shows that advice across different categories of law result in positive outcomes for clients and their households. (8)

Commenting on the findings Lord Colin Low said:

"This research, carried out independently, demonstrates with hard economics the true value of social welfare advice. It can no longer be argued that funding social welfare advice is too much of a burden on the state. Early and necessary interventions from advice and legal support prevent problems and expense further down the line"

Partnership Work

Co-ordinated joined up working with other agencies is now more important than ever with the emphasis on making advice more accessible in rural areas and taking service out across the district. We are striving to maintain and improve ways where we can complement each other's services, focusing on each agencies strong points, exploring new technologies and access routes and better referral systems.

We are also working in conjunction with other advice agencies on Social Policy issues. The agencies we work with, such as the National Association of Welfare Rights Advisers and Citizens Advice Bureaux campaign on a national level, which we feed into, as well as highlighting individual cases via the local MP's.

Our partner agencies include Citizens Advice South Somerset, Wiser Money Project, Age UK Somerset, Yarlinton Housing Group, South Somerset Mind, Village Agents and many more.

Case Studies and Feedback

Oliver is 13 years old and suffers with chronic eczema. Due to the severity of his condition he was receiving Disability Living Allowance because of the skincare regime he had to follow and the help he needed from his Mum to maintain this.

Sadly, due to the amount of care and maintenance his condition required, Mum had to give up work to provide this care.

Each morning started at 6am and involved an intensive skincare regime as well as supervision to prevent Oliver from clawing his skin in the shower due to the itch. He had to be daily wrapped in creams and covered in special bandages which he had to wear under his school clothes.

Different creams had to be applied frequently throughout the day to maintain skin health and Oliver needed help from his Mum to do this, re-dress the bandages as the school could not assist due to the personal nature of the care.

Sadly, due to his condition, Oliver was also bullied at school and suffered anxiety and depression issues as a result of this.

The end of day routine was also intensive – Oliver had to be covered in thick barrier cream and tied into his bandages (to prevent removal scratching and during the night). Unfortunately this also meant that if he needed the toilet he had to have help to get out of the bandages and then to re-dress them.

Oliver's mum came to us when, on renewal of the DLA, he was refused benefits. This had a knock on effect that her Carer's Allowance stopped and, as she no longer had Carer Status, she was ineligible for Income Support which also ceased. The disabled child premium within her tax credits ceased, reducing the family income by a substantial amount.

We assisted Oliver's mum to request a Mandatory reconsideration but unfortunately this was refused, so we progressed the case to appeal.

In the meantime, the family were struggling financially so we referred them to Citizen's Advice South Somerset for budgeting advice and emergency support through the Local Assistance Scheme. We provided them with a food parcel in the interim.

The whole process took 6 months to complete, during which time we supported the family as best we could between us and other advice agencies we work in partnership with.

The appeal was successful and Oliver was awarded DLA at the highest rate of £82.30 per week because of the care and attention he needed throughout the day and night. Mum's £62.10 Carer's Allowance was reinstated, as was her Income Support of £45.60 per week and the severely disabled and disabled child element of Child Tax credits was reinstated at £4415 per annum.

The advice we provide helps our clients get back on their feet again and encourages them to be proactive as we try to empower and avoid over dependence.

This local face to face responsive support has become more essential as more and more services are rolled out digitally or through central processing centres.

This is highlighted in the feedback we receive from our clients:

We have had a courteous and caring set of people to deal with. Congratulations in the quality of your staff. Thank you.

Grateful to have Helen's support for a second time. I could not have completed the form myself. This service is invaluable for disabled people. Without the skilled advocate it would be easy to feel embarrassed but I felt comfortable.

Catherine was so kind and supportive when Christina failed her ESA assessment, made sure we knew how to challenge. She helped us challenge the ESA and get back into the support group, gave us prompt and relevant advice. I would like to thank Catherine and SSDC Welfare Advice Service for being there and supporting us we are so very grateful.

Thank you so much Gill. It was an absolute pleasure to meet you. Thank you so much for helping me fill the form in. You were so reassuring and a real lift to my spirits which have been so damaged by dealings with Somerset County Council previously. It meant a lot to me and I'm very grateful.

Very professional, couldn't have had a better result. Would use service again without a doubt. This service is a must as there are a lot of people in the community who will benefit from this.

Corporate Priority Implications

Council Plan 2016 - 2021:

Homes: Minimise homelessness and rough sleeping.

Health and Communities: Support residents through national benefit changes including universal credit.

Equality and Diversity Implications

The work within the Welfare Advice Team brings us into daily contact with vulnerable clients, people with disabilities and non-English speaking communities.

Financial Implications

None

Carbon Emissions & Adapting to Climate Change Implications (NI188)

None

Background papers;

(1) 'Tribunals and gender recognition certificate statistics quarterly: October to December 2016'
Ministry of Justice, March 2017

- (2) The (changing) effects of universal credit' from the IFS Green Budget 2016, edited by Carl Emmerson, Paul Johnson and Robert Joyce
- (3) *The Austerity Generation: the impact of a decade of cuts on family incomes and child poverty*, CPAG, November 2017
- (4) *Universal Credit: the impact on passported benefits*, Report by the Social Security Advisory Committee, DWP, March 2012
- (5) Somerset Community Legal Service Partnership: County Court Project
- (6) *In-work Poverty In The UK, Problem, Policy Analysis and Platform for Action*, Rod Hick and Alba Lanau, Cardiff University, May 2017.
- (7) *Annual Monitoring Poverty and Social Exclusion 2013* published by the Joseph Rowntree Foundation and written by the New Policy Institute (08/12/2013)
- (8) *Social Welfare Advice services – A Review* by Graham Cookson, an economist at the University of Surrey