

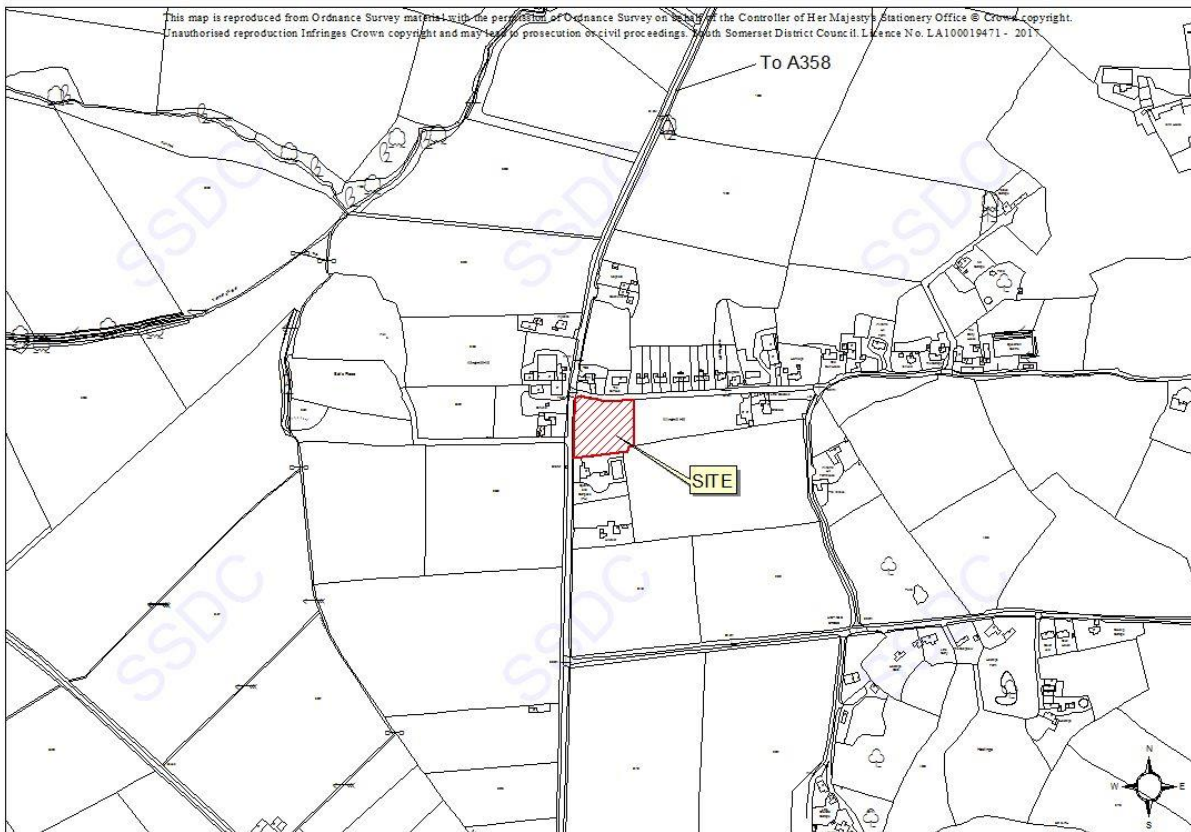
## Officer Report On Planning Application: 16/05090/FUL

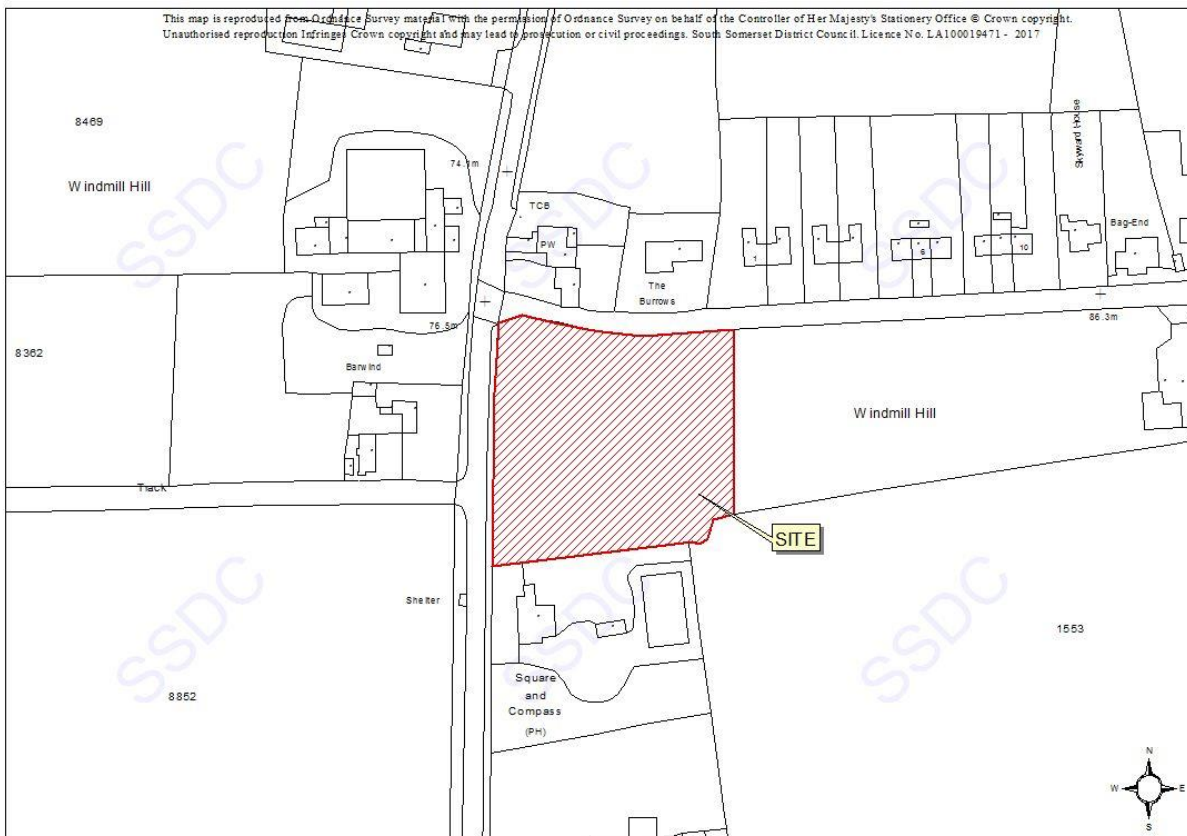
<b>Proposal :</b>	The erection of 1 No. detached dwellinghouse and double garage (Revised Application).
<b>Site Address:</b>	Paddock Adjoining Square And Compass Public House Windmill Hill Ashill
<b>Parish:</b>	Ashill
<b>NEROCHE Ward (SSDC Member)</b>	Cllr L P Vjeh
<b>Recommending Case Officer:</b>	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
<b>Target date :</b>	10th January 2017
<b>Applicant :</b>	Mr Christopher Slow
<b>Agent: (no agent if blank)</b>	Mr David Boggon Boggons Chartered Surveyors St Michael Road Creech St Michael Taunton TA3 5DP
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application is being brought to committee at the request of the Ward member and by agreement with the Area Vice Chair in order that the issues can be discussed more fully.

### SITE DESCRIPTION AND PROPOSAL





The application site is a field to the north of the Square and Compass pub and to the south of a line of houses on Windmill Hill Lane. It is otherwise surrounded by open countryside. The site is a certified site for 5 touring caravans with access gained via a field gate next to the pub.

Planning permission is sought to erect a detached 4 bedroom house and double garage with access from Wood Road (the original plans showed the access from Windmill Hill Lane). A request has been made that the plans be amended to include details of the new access and alterations to the proposed design of the dwelling but the applicant's agent has confirmed that they wish the application to be determined as it stands. An application for a smaller dwelling with an access from Windmill Hill Lane was refused in 2015 (15/03256/FUL).

The application form states that the proposed house would replace the original dwelling on the site that was demolished. Walls would be rendered blockwork and the roof would be slate.

## HISTORY

15/03256/FUL - The erection of 1 No. detached dwellinghouse and detached double garage. Refused 21/3/2016 for the following reasons:

01. The proposal would represent new residential development in open countryside, for which an overriding essential need has not been justified. The application site is remote from local key services and as such would increase the need for journeys to be made by private vehicles. The proposal constitutes unsustainable development that is contrary to policies SD1 and SS1 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework, including paragraph 55. This adverse impact is considered to significantly and demonstrably outweigh the modest benefit towards meeting the Local Planning Authority's housing supply, contrary to paragraph 14 of the NPPF.

02. A new dwelling in this location would be at variance with the sporadic settlement pattern that characterises the area and as a singular development in a field location, with associated domestication of the site including the loss of hedgerow to provide visibility; it would be intrusive in the rural landscape. In addition, the proportions, form, design and materials of the proposed house would appear out of keeping with the area. It would therefore erode local character and distinctiveness, contrary to policy EQ2 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework. This adverse impact is considered to significantly and demonstrably outweigh the modest benefit towards meeting the Local Planning Authority's housing supply, contrary to paragraph 14 of the NPPF.

03. There is insufficient information regarding visibility at the nearby junction and at the proposed point of access to demonstrate that the proposal would not adversely affect highway safety, contrary to policy TA5 of the South Somerset Local Plan (2006-2028) and section 4 of the National Planning Policy Framework (NPPF). This adverse impact is considered to significantly and demonstrably outweigh the modest benefit towards meeting the Local Planning Authority's housing supply, contrary to paragraph 14 of the NPPF.

68397 - Residential development and formation of access - refused 1964

68397/A - Use of land as seasonal caravan site - refused

810453 - Outline permission for 4 dwelling houses - refused 1981

## **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.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006-2028 (adopted March 2015).

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

SD1 Sustainable Development  
SS1 Settlement Strategy  
TA5 Transport Impact of New Development  
EQ2 General Development

National Planning Policy Framework  
Part 3 - Supporting a prosperous rural economy  
Part 7 - Requiring good design

Somerset County Council Parking Strategy (March 2012)

Somerset County Council Highways Development Control - Standing Advice (June 2013)

## **CONSULTATIONS**

Ashill Parish Council:

'This revised planning application, including the modified plans dated January 2017, was considered at the meeting of Ashill Parish Council held on 16 January 2017. It was noted that the point of access has

been modified again to avoid using Windmill Hill lane entirely; the elevational treatment of the proposed new dwelling has been re-drawn to reflect the local vernacular; and the Environment Agency is keen for surface water to be drained into Venners Water which can be very dry at certain times of the year. The Parish Council resolved to support the proposal as long as it is made a condition of planning permission being granted that only the one proposed new dwelling could be built and no future housing development would be permitted within any of the curtilage of the rest of the site. The Parish Council was of the opinion that the one proposed new dwelling would not impact on the environment, amenity of the area and neighbouring properties. The modification of the point of access to avoid Windmill Hill Lane and measures taken to mitigate surface water runoff away from Wood Road and Windmill Hill Lane was welcomed.'

County Highway Authority:  
Standing Advice is applicable in this instance.

Highways Consultant (SSDC):

*'I refer to the amended plans. The access is now proposed off Wood Road, incorporating visibility splays of 80m in the northerly direction and 68m in the southerly direction. As no information has been submitted as the 85%tile speeds it is not possible to confirm whether or not such splays are sufficient. It appears that the southerly could be impeded by parked cars along the frontage of the public inn. There is still a lack of detail in respect of the surface of the access and the surface water drainage measures. On-site parking provision should accord with the Somerset Parking Strategy in addition to the on-site turning facilities.'*

Landscape Architect:  
In response to the amend plans:

*'I have reviewed the updated access proposal, plan 1725/3a. It is clear that the creation of the new access will necessitate the removal of a significant length of the existing hedgerow, and the creation of a bellmouth circa 14 metres in width, which will be a substantive and non-characteristic intervention on this south side of the lane. Consequently the landscape objection based upon LP policy EQ2 is maintained.'*

In response to original plans:

*I recollect the site from the earlier (2015) application. The application site lays within a small paddock, contained in most part by unmanaged hedging, to the south side of Windmill Hill. To the north side of Windmill Hill road is a continuous line of housing, otherwise housing presence is sporadic, and the site as a whole is not related to village form. The Square & Compass pub lays to the south of the paddock.*

*Whilst the application site has housing to two sides, and the pub lays to the south, to provide a rural residential context, I also note that part of the characteristic of the hamlet is the presence of small paddocks and fields that separate the more sporadic housing plots in the settlement, such that this should not be seen as an automatic 'infill' plot. I also note that the house is sited in the most elevated part of the field, in the southeast corner, with the ground falling away from this corner, such that the development could be overly-dominant unless dug-in, as well as at variance with the roadside character of adjacent housing. A further landscape impact will be in the need to satisfy County Highway's requirements for sightlines, which will result in the loss (as yet unquantified) of a length of the field hedgerow. Consequently, noting that policy EQ2 requires development to promote local character & distinctiveness, I am not persuaded that its impact upon the open paddock; elevated siting within the field and away from the roadside; and the impact upon the bounding hedgerow, achieve these objectives, thus providing landscape grounds for objection.'*

## REPRESENTATIONS

In response to the original and amended plans, 17 letters of support have been received, the comments are summarised as follows:

- Support this very sensible proposal and can see no reason to object
- Applicants have run a successful business for nearly twenty years and created employment and cash for the area.
- There used to be a building on the site and do not believe additional traffic is an issue given the field is currently a Caravan and Camping Club site.
- Due to the isolated nature of the pub staff accommodation has to be provided which has to be shared by the applicants; they should be allowed a home.
- Site was used as an overflow car park by previous landlord; one dwelling would not be overdevelopment.
- Proposal would create less parking than the caravan use.
- Proposal will be set back from the road without imposing on the surrounds (unlike new dwelling in Ashill).
- Field is not big enough to support livestock
- Ashill is a small village but supports various small business and facilities; a new dwelling would add to this unlike a large development

## CONSIDERATIONS

As noted in the 'History' section above, an application for a smaller two bedroom house was refused in 2015 with three reasons for refusal relating to the unsustainable and isolated nature of the site; the adverse landscape impact; and the lack of information relating to highway safety. This application is now for a larger four bedroom dwelling with double garage and an access from Wood Road rather than Windmill Hill Lane. A request has been made for improvements to the proposed design of the dwelling and for additional highways information however the applicant's agent has confirmed that his client wishes the application to be determined as it stands.

Since there has been no material change in planning circumstances since the last refusal at the site, this report covers much of the same ground as that relating to the refusal of permission in 2015.

### Principle of Development

Principle of Development and policy background

As set out above, the starting point for decision-making is the statutory development plan, which is the South Somerset Local Plan (2006 - 2028). Adopted in March 2015, this provides the policy framework through which to make decisions on whether or not to grant planning permission for development in the district.

However, the lack of a five-year housing land supply means that policies relating to the supply of housing should not be considered up-to-date. As such, proposals for residential development fall to be determined in light of Paragraph 14 which states that where development plan policies are out-of-date planning permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

According to the recent High Court decision (Woodcock Holdings Ltd) in reaching a conclusion on an application, the appropriate weight to be attached to 'out-of-date' housing supply policies needs to be

considered in the 'planning balance' of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. It falls to the local planning authority to strike the appropriate balance between the very clear benefits stemming from the delivery of houses to meet the Council's shortfall and any harmful impacts arising from this proposal. The NPPF is very clear that, without a 5 year housing land supply, housing application should be considered "in the context of the presumption in favour of sustainable development" (para. 49) and that any adverse impacts would need to significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as whole; or specific policies in the Framework indicate that development should be restricted. (para.14).

This does not mean that the policies are to be ignored. The weight that should be attached to the policies will depend upon the circumstances of each case. It is also important to highlight that the other policies within the Local Plan are unaffected and therefore any development will still need to be of an appropriate quality and not have harmful environmental impacts. However, the starting point for decision-making does shift to one where a planning application should be granted permission, unless it can be shown that the adverse impacts of development significantly and demonstrably outweigh the benefits generated.

No evidence has been provided of the dwelling demolished on the site. Aerial photographs and historical maps indicate that there was a building in 1946 in the south-east corner of the field, some distance from the proposed dwelling but its use/ condition at the time is unknown. The next aerial photograph in 2001 shows that the building had gone. It is clear therefore, that the proposed dwelling would not replace an existing dwelling.

The application site is positioned in an isolated rural location where there are no pavements, street lights or direct public footpath links to the nearest rural settlements of Ashill and Broadway (approx 1.5km and 1.6km away).

In the interests of sustainable development, paragraph 55 of the National Planning Policy Framework (NPPF) requires that "local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances". Policy SD1 of the South Somerset Local Plan (2006-2028) endorses this approach, stating a presumption in favour of sustainable development.

Policy SS1 of the Local Plan identifies the areas where new development is to be focused, grouping certain towns and villages into a hierarchy of settlements - from Yeovil as the 'Strategically Significant Town' to Primary Market Towns, Local Market Towns and Rural Centres.

Other settlements are designated 'Rural Settlements', which policy SS1 states "will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in policy SS2).

The proposed development would be an isolated new dwelling outside any rural settlement which is to be protected as open countryside. The site has poor access to services and facilities and policy SS2 does not apply.

None of the exceptions listed under para 55, such as providing an essential rural worker's dwelling would apply here.

Policy HG8 is not applicable as the proposal would not replace an 'existing' dwelling as there has been no residential use on this site for more than 50 years; the building appears derelict in an aerial photograph from the 1960's.

As such, it is considered that the proposal is contrary to both local and national planning policies and therefore the principle of residential development on this site cannot be supported.

## **Visual and Landscape Impact**

As explained by the Council's Landscape Architect, the site has a rural residential context and the hamlet is characterised by small paddocks and fields that separate the more sporadic housing plots in the settlement, such that this cannot be seen as an 'infill' plot. The land is raised above the adjacent roads and it is considered that a new house here would be prominent and out of place.

In addition, the siting, proportions, form, design and materials of the house, in particular its arbitrary position in the field, its deep span, the bland elevations, suburban eaves detail and shallow pitched roof would look completely out of keeping and harmful to the character and appearance of the area. It would not draw upon locally distinctive features or provide a unique outstanding design. A request has been made for improvements to the design but the applicant wishes the application to be determined as it stands.

Furthermore, the creation of a new access with associated visibility splays and the proposed waiting bay on Wood Road would require significant removal of hedgerow which would erode the rural character of the lane.

The proposal would therefore be contrary to policy EQ2.

It is also noted that the Appeal Inspector concluded in 1981 when considering residential development on the site concluded that it would be 'an unsympathetic addition to sporadic development in the countryside, remote from any recognised settlement'...'the appeal site occupies a prominent position ...which has considerable scenic attraction. The proposed dwellings would be conspicuous and intrusive in this predominantly rural area and would detract unreasonably from the appearance of the locality.'...' I note that the appellant would be willing to agree to one house rather than two but I do not consider that this would overcome the basic objection I have to residential development in this location.'

## **Impact on Residential Amenity**

There would be a reasonable distance between the proposed house and the nearest residential property to the north and no first floor windows would be proposed in this direction. It is considered therefore that there would be no adverse impact on local residential amenity.

## **Letters of support**

Whilst the letters of support are noted, it is not considered that any of reasons put forward by the correspondents override the very strong policy objections to the application.

## **CONCLUSION**

The site is remote from services and facilities where occupants of the proposed development would be wholly reliant on private motor vehicle transport for day to day needs. The site is in the open countryside where new residential development should be strictly controlled and the proposed development would not be one of the special circumstances set out in para 55 of the NPPF. The proposal would be visually intrusive and have an unacceptable impact on local landscape character. Furthermore, there is insufficient information regarding visibility for the Planning Authority to assess the highway safety impact. For these reasons, the proposal is recommended for refusal.

## **RECOMMENDATION**

Refuse

## **SUBJECT TO THE FOLLOWING:**

01. The proposal would represent new residential development in open countryside, for which an overriding essential need has not been justified. The application site is remote from local key services and as such would increase the need for journeys to be made by private vehicles. The proposal constitutes unsustainable development that is contrary to policies SD1 and SS1 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework, including paragraph 55. This adverse impact is considered to significantly and demonstrably outweigh the modest benefit towards meeting the Local Planning Authority's housing supply, contrary to paragraph 14 of the NPPF.
02. A new dwelling in this location would be at variance with the sporadic settlement pattern that characterises the area and as a singular development in a field location, with associated domestication of the site including the loss of hedgerow to provide visibility; it would be intrusive in the rural landscape. In addition, the proportions, form, design and materials of the proposed house would appear out of keeping with the area. It would therefore erode local character and distinctiveness, contrary to policy EQ2 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework. This adverse impact is considered to significantly and demonstrably outweigh the modest benefit towards meeting the Local Planning Authority's housing supply, contrary to paragraph 14 of the NPPF.
03. There is insufficient information regarding visibility at the nearby junction and at the proposed point of access to demonstrate that the proposal would not adversely affect highway safety, contrary to policy TA5 of the South Somerset Local Plan (2006-2028) and section 4 of the National Planning Policy Framework (NPPF). This adverse impact is considered to significantly and demonstrably outweigh the modest benefit towards meeting the Local Planning Authority's housing supply, contrary to paragraph 14 of the NPPF.

**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 there has been no change in planning circumstances since the last refusal and the proposed dwelling is now larger than that refused.

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