

Application No:	3/17/19/001
Parish	Huish Champflower
Application Type	Full Planning Permission
Case Officer:	Jackie Lloyd
Grid Ref	Easting: 304757 Northing: 128714
Applicant	Mr Derek Quartly
Proposal	Change of use from agriculture to agriculture and equestrian with erection of stables
Location	THE BARN HUISH MOOR, HUISH CLEEVE ROAD, HUISH CHAMPFLOWER, TAUNTON, TA4 2EZ
Reason for referral to Committee	

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo SAS259-PL 08 Proposed Site Plan - April 2019
(A3) DrNo SAS259-PL 09 Proposed Stables Floorplan - April 2019
(A3) DrNo SAS259-PL 10 Proposed Stables Roof Plan - April 2019
(A3) DrNo SAS259-PL 11 Proposed Section - April 2019
(A3) DrNo SAS259-PL 12 Proposed Elevation - April 2019
(A3) DrNo SAS259-PL 13 Proposed Elevattion - April 2019
(A3) DrNo SAS259-PL 14 Proposed Section - April 2019
(A3) DrNo SAS259-PL 15 Proposed Block Plan - April 2019
(A4) DrNo SAS259-PL 16 Location Plan - April 2019

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

- 3 The external finishes of the works hereby permitted shall match in material, style, type and size to those of the existing building.

Reason: To ensure appropriate materials are used and to maintain the character and appearance of the area.

- 4 The new window shall be constructed in timber.

Reason: To safeguard the character of the area.

- 5 Prior to commencement of the use details of the existing and proposed fencing including size, material and position of the proposed fencing, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with subsequent approved details.

Reason : In the interests of the visual amenities of the area and to safeguard the position and use of the Public Right of Way

- 6 Further details of the compacted gravel driveway including levels, drainage and demarcated position on the site shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with subsequent approved details.

Reason : In the interests of the visual amenities of the area.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority in advance of submitting the application, for the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

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The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. SCC has maintenance responsibilities for the surface of a PROW but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes

listed below, then authorisation for these works must be sought from SCC Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would :

- make a PROW less convenient for continued public use, or
- create a hazard to users of a PROW

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information please visit SCC Rights of Way pages to apply for a temporary closure :

<http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/>.

The applicant is advised to contact Somerset County Council Public Rights of Way prior to submission of details of the fencing. They can be contacted on

rightsofway@somerset.gov.uk

Proposal

Change of use from agriculture to agriculture and equestrian with erection of stables. Permission is sought to attach a timber building, to house two stables to an existing timber structure, which has been used as an animal shelter. This existing structure would then be used for hay storage.

A compacted driveway with 6m turning circles to allow a horse box to manoeuvre is also proposed.

Site Description

The site consists of an area of agricultural land of approximately 3.5 acres consisting of two fields which has been used for grazing sheep. The site is located to the south of the village of Hush Champflower and directly to the east of a hamlet comprising approximately 12 houses. Vehicular access is via an unclassified metal led highway which forms the western and northern boundary of the site. Ground levels fall from the south to the north of the site. The existing fields are bounded by a mixture of hedgerow and trees.

There is a public footpath (DU 7/80) running along the southern boundary of the site. There is a County Wildlife site adjacent to the eastern boundary of the site.

The site is located within a corner of an existing agricultural field and to the north of

'The Barn', Hush Champflower, a property in separate ownership. The site is accessed via the unclassified Hush Cleave Road from an existing field gate.

The site is in flood zone 1, on sloping ground from the adjoining highway.

The existing structure is a mono-pitched, waney edged oak clad unit with black profiled steel sheeting to the roof. It was constructed approximately 20 years ago and is used for the storage of hay and sheltering of animals. It measures 7.3m x 3.85 with a ridge height of 3.25m. The southern elevation is a complete blank wall (rear). The north western side elevation has one small window sized opening and on the other end (south eastern elevation) is partly clad and also has a wide plywood door. The north eastern (front) elevation is clad with a plywood stable door in the middle. The structure is sited on a concrete base which is covered with earth

Relevant Planning History

3/17/96/016, Erection of a field shelter for a horse, granted 07/11/96.

ABD/17/18/001, Prior Notification for Change of use of Agricultural building to dwellinghouse, Withdrawn by applicant on 13/04/18.

ABD/17/18/002, Prior Notification for Change of use of Agricultural building to dwellinghouse, Withdrawn by applicant on 18/07/18.

Consultation Responses

Huish Champflower Parish Council - Unanimously object based on previous arguments which still stand: The application is not in keeping with the area.

The application is not in scale with the landscape.

The size of the structure harms the character and appearance of the area.

A reason for the application suggests equestrian use possibly livery which would be a business yet the applicant does not live locally and would have a round trip of 36 miles.

The applicant does not seem to know how many horses or ponies he wants to keep at the site.

The area is very wet and boggy and would not be conducive with what is being proposed.

The proposal includes a hardstanding where there is currently none.

The current building has a claimed floor area of 28m²- the additional area of 73m² is more than two and half times the existing area.

The current applicant only gained permission in 1996 for a field shelter at this site and now it seems there needs to be a huge structure for stables. The parish council does not feel there is a need for the large structure.

Road access is poor from Huish Moor, there is only an 8 foot gate onto the site, which would not be wide enough for a vehicle and horse box to enter and exit. Also turning circle on site of a vehicle and horse box would be large.

The application fails against at least 5 of the policy tests.

Policy SD1 – Presumption of sustainable development – this does not improve the economic, social, historic and natural environmental conditions in the area.

Policy OC1 – Open countryside development – no benefit to either local community or economy.

Policy NH5 Landscape character protection – the development does not have a minimal impact to the quality and integrity of the local landscape .

Policy NH13 Securing high standards of design – the application does not provide a positive contribution to the local community and create a place with distinctive character.

Policy TR1 Access to and from West Somerset – the applicant does not live locally therefore fails to encourage the use of sustainable modes of transport.

It should also be noted that a previous application for prior approval of proposed change of use of agricultural building to a dwellinghouse in July 2018 ABD/17/18/002 was withdrawn before a decision was formally made, suggesting that the real reason would ultimately be to have dwelling on the site.

This application indicates that consideration is being made for septic drainage but a neighbour is very concerned that a disturbance may be made to her existing soak away.

Six parishoners attended the parish council meeting with objections to the application.

It should also be noted that the address is incorrect.

SCC - Ecologist - No objection

Rights of Way Protection Officer - There is a PROW running through the site (DU 7/80). No objection however the proposal will obstruct the footpath and either needs to be revised or a diversion order applied for. The proposal will obstruct the footpath due to the fencing proposed. Do not object subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public footpath. A Grampian style condition should be applied:

No development hereby approved which shall interfere with or compromise the use of footpath DU 7/80 shall take place until a path diversion order has been made and confirmed (and the diverted route made available to the satisfaction of the LPA)

Informative: Development insofar as it affects the rights of way should not be started and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

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Highways Development Control - Standing advice
Wessex Water Authority - No response

Representations Received

10 letters received with the following comments:

- Changes have resolved many issues
- Additional traffic using lane which is very potholed
- Address is incorrect
- Field is boggy and unsuitable for horses
- Not a safe access to site on a bend, horse boxes would have difficulty accessing the site
- Building is 3 times the size of existing shed.
- Owner has large barn locally which could be used for storage of hay
- Land not suitable for permanent animal occupation
- Development will lead to a change of use to residential
- Owner lives many miles away from the site.
- Why is there a septic tank on the plan
- Nothing to seriously complain about
- Concern over compacted gravel driveway over route of soakaway
- Accept that owner has carried out drainage work which has succeeded in improving the field
- Will increase likelihood of crime due to tack storage.
- Biodiversity: Impact on wildlife from potential security lights and impact in terms of light pollution on a site on the edge of Exmoor
- Residential amenity : Health hazard in terms of smell, noise and flies

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West

Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
OC1	Open Countryside development
NH5	Landscape character protection
NH13	Securing high standards of design
CC6	Water Management
TR1	Access to and from West Somerset

Retained saved policies of the West Somerset Local Plan (2006)

SD1	Presumption in favour of sustainable development
OC1	Open Countryside development
NH5	Landscape character protection
NH13	Securing high standards of design
CC6	Water Management
TR1	Access to and from West Somerset

Local finance considerations

New Homes Bonus

N/A

Determining issues and considerations

Character and design

POLICY NH13: Securing high standards of design requires that:

New development will be expected to meet the highest standards of design.

The new stables are 7.6 m in length and 4.6m in width increasing the footprint of the building and resulting in an L-shaped building 12m in length and 7.6m in width with an overall height of 3.25m. The existing shallow sloped roof would remain but a gable is proposed on the north-east elevation. The finished floor level would remain as existing.

The site is surrounded by mature hedgerows and trees and only glimpse views are obtained from the public highway. The PROW does however hug the southern and eastern boundary of the site. It is considered that the overall increase in footprint is acceptable. The height of the building remains the same and an appropriate use of materials is proposed. There is no indication of the materials for the one window proposed. As such a condition requiring this to be timber is recommended.

It is considered that the resultant structure is visually acceptable and compatible within the rural landscape, low in profile and using traditional materials.

A compacted gravel driveway is proposed to serve vehicles, however no precise details have been submitted. In order to ensure this area is of an acceptable size, the details of levels and drainage are acceptable, it is recommended that a condition be imposed requiring further details be submitted.

Access

An existing access onto the highway would be utilised that benefits from good visibility splays in both directions. The proposed site plan shows a compacted gravel drive to be provided together with a gravelled parking and turning area. The adjoining unclassified highway is lightly trafficked. It is noted that comments returned from SCC Highways have referred to their adopted SCC Parking Strategy and Standing Advice. Given that this is an existing access which could be used by a motor car and in consideration that, whilst there would be an increase in the use should permission be granted, sufficient parking and turning area would be provided to allow any vehicle including a horse box to exit onto the highway in a forward gear.

Public Right of Way (PROW)

There is an existing footpath on the site which hugs the southern and eastern boundary. A post and wire fence runs to the rear of the existing structure and close to the PROW. It is proposed to fence the southern area of land adjacent to the PROW, to protect both horses and the public. The comments of the Rights of Way officer are included. However I have now spoken with him to clarify that the proposed fencing is not shown on the plan. The existing post and rail fencing is shown. It appears that an existing small section may infringe the PROW. In order to correct this and ensure that any new fencing does not impede the PROW I would recommend a condition to be imposed to require details of existing and proposed fencing to be submitted and approved by the LPA.

Other matters

Concerns have been raised with regard to future use of the building for residential use. Planning permission would be required for any change of use or further development of the site. This application should only therefore consider the merits of the application submitted.

With regard to the suitability of the site for horses, it is understood that the site will

be subjected to land management to ensure the pasture is suitable for grazing, the land subdivided and annually rolled, harrowed and topped. The owner has also drained the lower end of the field which has helped with bogging issues.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.