

SWT Planning Committee

Thursday, 22nd August, 2019,
1.00 pm



Somerset West
and Taunton

The John Meikle Room - The Deane
House

Members: Simon Coles (Chair), Roger Habgood (Vice-Chair),
Ian Aldridge, Sue Buller, Ed Firmin, Marcia Hill, Martin Hill,
Mark Lithgow, Chris Morgan, Simon Nicholls, Craig Palmer,
Ray Tully, Brenda Weston, Loretta Whetlor and Gwil Wren

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous meeting of the Planning Committee

To approve the minutes of the previous meeting of the Committee.

3. Declarations of Interest or Lobbying

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests or lobbying in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

4. Public Participation

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have requested to speak, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

(Pages 5 - 10)

- | | |
|--|------------------------|
| <p>5. 3/17/19/001
Change of use from agriculture to agriculture and equestrian with erection of stables at The Barn Huis Moor, Huish Cleeve Road, Huish Champflower, Taunton, TA4 2EZ</p> | <p>(Pages 11 - 20)</p> |
| <p>6. 18/19/0012
Erection of balcony to side of Mill House, Halse Road, Halse</p> | <p>(Pages 21 - 24)</p> |
| <p>7. 24/19/0021
Erection of bungalow on land to rear of 16 Town Farm, North Curry (resubmission of application 24/18/0012)</p> | <p>(Pages 25 - 36)</p> |
| <p>8. 42/19/0021
Erection of a two storey extension and a single storey extension to the sides of 4 The Paddock, Honiton Road, Trull</p> | <p>(Pages 37 - 40)</p> |
| <p>9. Latest appeals and decisions received</p> | <p>(Pages 41 - 66)</p> |



**JAMES HASSETT
CHIEF EXECUTIVE**

Please note that this meeting will be recorded. At the start of the meeting the Chair will confirm if all or part of the meeting is being recorded. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you are advised otherwise, by entering the Council Chamber and speaking during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact the officer as detailed above.

Members of the public are welcome to attend the meeting and listen to the discussions. There is time set aside at the beginning of most meetings to allow the public to ask questions. Speaking under "Public Question Time" is limited to 3 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chair will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate. Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chair will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group. These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room. Full Council, Executive, and Committee agendas, reports and minutes are available on our website: www.somersetwestandtaunton.gov.uk

The meeting room, including the Council Chamber at The Deane House are on the first floor and are fully accessible. Lift access to The John Meikle Room, is available from the main ground floor entrance at The Deane House. The Council Chamber at West Somerset House is on the ground floor and is fully accessible via a public entrance door. Toilet facilities, with wheelchair access, are available across both locations. An induction loop operates at both The Deane House and West Somerset House to enhance sound for anyone wearing a hearing aid or using a transmitter. For further information about the meeting, please contact the Governance and Democracy Team via email: governance@somersetwestandtaunton.gov.uk

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please email: governance@somersetwestandtaunton.gov.uk

SWT Planning Committee - 1 August 2019

Present: Councillor Simon Coles (Chair)

Councillors Roger Habgood, Ian Aldridge, Sue Buller, Marcia Hill, John Hassall, Martin Hill, Mark Lithgow, Janet Lloyd, Chris Morgan, Simon Nicholls, Craig Palmer, Ray Tully, Brenda Weston and Gwil Wren

Officers: Tracey Meadows, Rebecca Miller, Alex Lawrey and Brian Convery

Also Present:

(The meeting commenced at 1.00 pm)

34. **Apologies**

Apologies were received from Councillors Adkins and Firmin

35. **Minutes of the previous meeting of the Planning Committee**

(Minutes of the meeting of the Planning Committee held on 11 July circulated with the agenda)

Resolved that the minutes of the Planning Committee held on 11 July be confirmed as a correct record.

Proposed by Councillor Coles, seconded by Councillor Habgood

The **Motion** was carried.

36. **Declarations of Interest or Lobbying**

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Item No.	Description of Interest	Reason	Action Taken
Cllr S Buller	7,8,9	Ward Member	Personal	Spoke and Voted
Cllr S Coles		SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr Mrs Hill		Taunton Charter Trustee	Personal	Spoke and Voted
Cllr M Lithgow		Wellington	Personal	Spoke and Voted
Cllr J Lloyd		Wellington & Sampford Arundel	Personal	Spoke and Voted
Cllr C Morgan		Stogursey	Personal	Spoke and Voted
Cllr S Nicholls		Comeytrove	Personal	Spoke and Voted

Cllr C Palmer		Minehead	Personal	Spoke and Voted
Cllr B Weston		Taunton Charter Trustee	Personal	Spoke and Voted
Cllr G Wren		Clerk to Milverton PC	Personal	Spoke and Voted

37. **Public Participation**

Application No.	Name	Position	Stance
09/19/0001	S Levinge L Yarde S Yarde D Yarde M Laghos Cllr D Mansell	On behalf of the applicant Ward Member	Objecting Infavour objecting
11/18/0018	S Mackenzie Cllr AT Bellew J Banks G Bottard J Warmington G Borons		Objecting Infavour
24/18/0049	T Turner B Williams Mr Hanley S Houghton King P Hodgkin B Jeanes Cllr P Stone	Local Resident On behalf of North Curry PC Ward Member	Objecting Objecting Objecting Objecting Objecting Objecting
24/19/0021	J Carter Mr Jolliffe S Carter A Lainer R Randell T Stodgell Cllr P Stone	Developer Agent On behalf of North Curry PC Ward Member	Objecting Infavour
TPO – Stoneyhead Mobile home park	Cllr P Stone	Ward Member	Infavour

38. **09/19/0001**

09/19/0001 – Siting of mobile home for use as a rural workers dwelling with installation of bio treatment plant and staff/visitor toilet within barn at Woodland Way Farm, Raddington, Chipstable (retention of part works already undertaken)

Comments made by the public included;

- Photos taken in the summer, totally different view in the winter;
- The land could not support horses and sheep;
- No need for a permanent dwelling;
- Concerns with the water supply and drainage;
- Parking concerns;
- Spoilt views;
- Concerns with the noise and disturbance;
- Concerns of the lack of consultation with residents;
- Visual impact of the building on the setting of the village;
- Highways had not raised any concerns;
- Efforts to conceal the entrance had been made with trees and hedges;
- Landscape impact;
- Concerns with the negative impact on the historic setting of the area;
- The development was eroding the valley and its setting of the church;
- Concerns with the transport impact on the small lanes;
- Comprehensive appraisals had been completed to make sure that the business was viable;
- Business employed local people;

Comments made by members included;

- Concerns with the water supply;
- Over development of the site;
- Photos of the site were taken in the summer not truly reflecting the full impact of the site;
- Concerns with the development in a rural area;
- Viability of the business issues;

Councillor Coles proposed and Councillor Habgood seconded a motion that the application be **APPROVED** with an addition S106 for there to be 1. No subdivision of the site; 2. Comments from the water authority; 3. Submission of annual accounts.

The **Motion** was carried

39. **11/18/0018**

11/18/0018 – Conversion of lambing barn to rural workers dwelling at Yarde Farm, Williton Road, Combe Florey

Comments made by members of the public included;

- Concerns that there were no proposals for screening the property;
- Large vehicles would pass within a foot of the proposed house;
- Disturbance from vehicle movements to adjoining property;
- Overlooking;
- Noise and disturbance concerns;
- Application supports local rural enterprise;
- Supports local employment;
- Having a rural worker on site would provide security from recent burglaries;
- A workers dwelling on site would mean that the livestock would be managed more easily;

Comments made by members included;

- Other properties have already been developed in the area;
- Rural crime issues in the area;
- This was a development in the Open Countryside;
- Evidence submitted was not a clear fundamental need;
- No agricultural need for this type of dwelling;

Councillor Coles proposed and Councillor Wren seconded a motion that the application be **REFUSED** as per Officer Recommendation.

40. **24/18/0049**

24/18/0049 – Change of use of land and buildings to mixed use residential and dog rescue centre at Priory Farm Lane, Knapp, North Curry (resubmission of 24/18/0032) (retention of works already undertaken)

Comments made by members of the public included;

- Unacceptable noise nuisance;
- Unregulated and unlicensed business;
- The Right of Way was unofficially diverted;
- Unsafe site;
- Concerns with the impact on the neighbours;
- Concerns with the amount of dogs kept on site;
- Concerns that the dogs were unsocialised and posed a risk to the public and livestock;

Comments made by members included;

- Animal Welfare concerns;
- Rights of Way concerns;
- The business had grown out of control with no regulations;

- Noise nuisance;
- Concerns with public safety;
- Concerns with the number of dogs kept on site;

Councillor Habgood proposed and Councillor Lithgow seconded a motion that the application be **REFUSED**

Reasons

The proposed development is considered to represent substantial harm to residential amenity resulting from noise disturbance due to dogs barking, perceived risks to human safety and the intensity of use of the site for the purposes of operating a dog rescue centre, which is contrary to the adopted Taunton Deane Borough Council Core Strategy policy (General Requirements) DM1.clauses 'e' and 'f'.

The **Motion** was carried

41. **24/19/0021**

24/19/0021 – Erection of bungalow on land to rear of 16 Town Farm, North Curry (resubmission of application 24/18/0012)

Comments made by members of the public include;

- Concerns with the loss of the historic orchards;
- Concerns that there would be a loss of habitat on the site;
- Lack of a Management Plan;
- Concerns with the increase in traffic
- Large vehicles coming onto the site would damage the road surface;
- No pedestrian footpath proposed;
- Access issues;
- This development would set a precedent and would be of no benefit to the village;
- Back land development;
- Garden grabbing;
- Green space needed to be protected;
- Temporary TPO disregarded;
- The development would harm the character of the area;
- The orchard was not ancient, the trees were of a common variety;
- The site was in the village settlement boundary;
- visual amenity;
- Access to the site was below standard;
- The village was not desperate for any more homes;
- This application had not changed from the previous one submitted so should be refused;

At this point in the meeting members were asked to extend the meeting for 30 minutes. Councillor Hassell also left the Chamber.

Comments made by members include;

- Access to the site issues;
- Traffic issues;

Councillor Buller proposed and Councillor Lithgow seconded a motion to **DEFER** the application.

Reasons

1. Further comments from Highways;
2. Contents of ENV1;
3. Archaeological comments;

42. **TPO Stoneyhead mobile home park, A378, Wrantage**

Tree Preservation Order TD1143, (North Curry No.1) 2019

Comment made by members of the public included;

- This was an important tree that needed to be retained ;

Comments made by members included;

- This was a natural Oak that needed to be preserved for shade and its amenity value;

Councillor Hill proposed and Councillor seconded a motion that the TPO be confirmed and unmodified.

The **Motion** was carried

43. **Latest Appeals and Decisions received**

Appeals and decisions received

Noted that one decision and two appeals had been received.

(The Meeting ended at 5.45 pm)

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.

2

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.

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/>.

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.

18/19/0012

MR J LITTLEWOOD

Erection of balcony to side of Mill House, Halse Road, Halse

Location: MILL HOUSE, HALSE ROAD, HALSE, TAUNTON, TA4 3AQ

Grid Reference: 314240.128289

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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:

(A1) DrNo 1946/200A Proposed Plans & Elevations

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

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

Proposal

It is proposed to erect a balcony to the north-west elevation. This will project 3m and will be 7.2m wide, with a 1.1m high glazed screen and supported on metal posts. It will be accessed via new bi-fold timber doors on the first floor and via external steps

leading from ground level on the southern side of the elevation.

Site Description

Mill House is a semi-detached dwelling which is finished in painted stone under a slate roof with timber fenestration. It is in effect a split level property with the south-west elevation being on higher ground to the north-east elevation. Together with the adjoining neighbour, the property originally formed a mill and mill house. It lies to the east of the village of Halse and is within Halse Conservation Area.

Relevant Planning History

None.

Consultation Responses

HALSE PARISH COUNCIL - My Council has no objection to the application and has no further comments to make.

Representations Received

None received.

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 Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

CP8 - Environment,
D5 - Extensions to dwellings,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

The proposal is not liable for CIL.

New Homes Bonus

This is not applicable to a householder application.

Determining issues and considerations

The determining factors are the affect on the amenities of neighbours, the appearance of the development and the impact on the Conservation Area.

The balcony will be erected on the end elevation furthest away from the neighbouring dwellings and will look towards the garden and outbuilding belonging to Mill House. There will thus be no impact on residential amenity.

The balcony will be a simple design in contemporary materials which will be in keeping with the traditional farmhouse style of the house on the north-east elevation and the more modern appearance of the south-west elevation, with the low level catslide dormer.

Mill House and The Mill Cottage, the adjoining semi, are very different dwellings, The Mill Cottage being smaller in size and rendered with a clay tiled roof. The addition of the balcony to Mill House will therefore not affect the appearance of the two properties.

As Mill House is in Halse Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is of importance and special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area in determining the application. It is considered that the simple design and open nature of the balcony will preserve the character and appearance of the Conservation Area. It is noted that Manor Mill and Manor Mill Cottage to the north-west of Mill House are grade II listed buildings. However, there is a distance of about 23m between the north-west elevation and the two listed buildings so there will be no adverse affect on the setting of these buildings.

The balcony will not be visible from the highway or any open space used by the surrounding properties so there will be no impact on the street scene.

The proposed development is thus acceptable and in accordance with policy CP8 of the Taunton Deane Core Strategy and policy D5 of the Taunton Site Allocations and Development Management Plan. It is recommended for conditional approval.

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

Contact Officer: Mrs S Wilsher

Update to Committee Report

24/19/0021 - Erection of bungalow on land to rear of 16 Town Farm, North Curry (resubmission of application 24/18/0012)

This planning application was presented to planning committee on the 1st August and Members deferred the application for the following information:

1. Further comments from Highways;
2. Contents of ENV1;
3. Archaeological comments

Further Comments from Highways

Helen Vittery has provided the following:

'When I provided a detailed comment on the previous application, I visited the site and made a professional judgement.

In light of the discussion at that last committee and following your email below, the site has been visited again, to determine if the situation has changed and if the previous advice needs to be revisited.

I am able to confirm that there is no Highway Authority objection to this planning application. The junction alignment and visibility is not ideal, but the resulting impact of the proposed development could not be considered 'severe' when assessed against the relevant National and local guidance and as such the Highway Authority would struggle to fashion a reason for refusal that could be defended at appeal, were the application to be refused on highway grounds.

I trust that this response is clear and addresses the points raised at the last committee.'

Contents of ENV1

Policy ENV1: Protection of trees, woodland, orchards and hedgerows

Development should seek to minimise impact on trees, woodlands, orchards, historic parklands and hedgerows of value to the areas landscape, character or wildlife and seek to provide net gain where possible. Where the loss is unavoidable, the works (or development) should be timed to avoid disturbance to species that are protected by law. Adequate provision must be made to compensate for this loss.

Development which would result in the loss of Ancient Woodland, Aged or Veteran Trees will not be permitted.

The proper management of this resource for nature conservation purposes will be sought.

Archaeological comments

The following comments have been received:

'As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.'

Conclusion

Taking the above in to consideration, it is considered that the orchard has been lost as stated by the Tree Officer. Further work has also been undertaken by the applicant who has had a study undertaken which confirms that none of the trees on site are older than 40 years, It looks at each tree in turn and concludes that these trees are not worthy of protection.

The Highway Authority and the Archaeologist have confirmed that they have no objections.

It is therefore recommended that the application is determined in accordance with the committee report dated 1st August 2019.

**Erection of bungalow on land to rear of 16 Town Farm, North Curry
(resubmission of application 24/18/0012)**

Location: LAND TO REAR OF 16 TOWN FARM, NORTH CURRY, TAUNTON

Grid Reference: 331800.125262

Full Planning Permission

Recommendation

**Recommended decision: Conditional Approval
Subject to no adverse comments from the County Archaeologist**

Recommended Conditions (if applicable)

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 16.16.101 Site Location Plan
(A3) DrNo 16.16.102 Existing Site Plan
(A3) DrNo 16.16.103 Block Plan
(A3) DrNo 16.16.104 Site Plan
(A3) DrNo 16.16.105 Bungalow Floor Plan
(A3) DrNo 16.16.106 Bungalow Elevations
(A3) DrNo 16.16.107 Garage Plans & Elevations

(A3) DrNo 16.16.110 Location Plan
(A2) DrNo 1795.102 Rev B Extended Orchard Proposals

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

3. Prior to the construction of the building samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the area.

4. (i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

5. i) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012.
- ii) Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected.
- iii) It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

Reason for pre-commencement: To ensure protection of trees on site.

6. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife and specifically reptiles has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Blackdown Environmental's submitted report, dated July 2019 and include:
- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
 - Measures for the retention and replacement and enhancement

measures including places of rest for species.

Once approved the works shall be implemented in accordance with the approved details and timing of the works and thereafter the resting places and agreed accesses for species name shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses has/have been fully implemented

Reason: To protect species name and their habitats from damage.

Reason for pre-commencement: To ensure protection and enhancement for wildlife.

7. No works shall be undertaken on site until the Local Planning Authority has first approved in writing details of a programme of access which will be afforded to a named archaeologist to observe and record all ground disturbance during construction (such works to include any geological trial pits, foundations and service trenches). The named archaeologist shall thereafter be allowed access in accordance with the details so approved.

Reason: To enable the remains of archaeological interest which may exist within the site to be appropriately recorded.

Reason for pre-commencement: Any works on site have the potential to disturb archaeological interests.

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.

Proposal

The application seeks full planning permission for the construction of a detached bungalow with three bedrooms and a detached garage, together with hard and soft landscaping. The building would measure 14.5m by 11.4m and the height would be 2.3m to eaves and 5.8m to the ridge. The building would have a double roman tile roof over brick walls with white upvc doors and windows. Adequate parking and turning would be provided and there would be replacement tree planting on site for those previously felled.

Site Description

The application site is located on the western side of North Curry, surrounded by residential properties in a mix of styles. The site lies to the rear garden of 16 Town

Farm and was formerly used as a small orchard. The site area is 1056 square metres and the site is effectively screened from public views due to its position behind the buildings fronting Sycamore Row.

Relevant Planning History

24/01/0033 - Erection of 3 houses and 2 flats for Social Housing and Alterations to existing barn (parallel to the pavement) at Town Farm, North Curry - CA 8/3/02

24/01/0034 - Residential Development (total of 14 units) Including Conversion and Extension of Existing Building to form 2 Units at land to the rear of Town Farm, North Curry- CA 8/3/02

24/18/0012 - Erection of bungalow on land rear of 16 Town Farm, North Curry - RF

Consultation Responses

NORTH CURRY PARISH COUNCIL - Following the discussion, Mr Cable proposed the Parish Council object to the granting of permission, the Chairman added this is on the same basis as the previous objection, excluding the comments previously put forward regarding the orchard fruit trees, which were cut down. The following comments and quotes were discussed and agreed to resend:

1. According to the Chief Solicitors Report to the Planning Committee of 21.05.2003 in relation to the Town Farm Development application "... They have now reached an agreement between them whereby the Parish Council would relinquish the open space to the rear of the site in exchange for the transfer to the Parish Council of the barn at the front of the site. **The 'open space' would then be taken into the curtilages of the properties to be built on the site, with a small area being retained as a 'paddock'.**

To ensure the retention of the open area between the houses to be built and the open countryside, the land would be transferred **subject to a covenant that no structures of any sort would be erected on the land** and the Local Planning Authority would retain control over any fencing to be erected. **Additionally**, in respect of the paddock **the developer would enter into a covenant to maintain the paddock in good agricultural order.**"

Subsequently the Section 106 Agreement between West of England Developments and the Council commits to the following: Para. 2.2 "The Parish Council and the Council hereby agree that **the Developer may use the Public Open Space Land** (as defined in the Principal Agreement) **as garden or paddock for the purpose of the Development Proposal provided that the Developer shall not construct or permit to be constructed upon the Public Open Space Land** as so defined any building or other structure whatsoever (other than hedges or fences dividing individual garden areas such fencing to be approved in writing to the council)"

Para. 6. 'The developer hereby agrees (in consideration of the agreement by the Parish Council and the Council in clause 2) that

6.1 any area of land retained as paddock will be maintained in good agricultural order'.

The Parish Council would neither want to see, nor set a precedent of, erosion of open space/areas committed to under Section 106 agreements. This piece of land should be under a covenant preventing construction on it in accordance with the S106 agreement.

2. Development of this site would be contrary to both: **Section 18 of the National Planning Policy Framework**: “118. When determining planning applications,

local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;’

‘planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;’

Mr Cable proposed that the PC also object on the basis of poor access to the site and that the trees that were cut down be replaced on the paddock site, in an effort to re-establish the orchard. The Chairman also reiterated that this should remain an open space with no structure on it; this was seconded by Ms Smith, and was carried.

SCC - TRANSPORT DEVELOPMENT GROUP - The proposal is for a single dwelling which is unlikely to have a severe impact on the highway network, give the existing level of development that is served from Knapp Lane. The access would usually be considered substandard in terms of visibility for a 30mph speed limit, however given that the traffic speeds on Knapp Lane are constrained by the physical characteristics of the highway, this should be acceptable.

It seems that the parking and turning provision for the development is in line with the adopted Policy and the guidance contained within Standing Advice and this should be conditioned.

Provided that this is the case, there is no objection to the proposal on highway grounds.

TREE OFFICER - No objection.

The remnant orchard that was present on this site was unfortunately largely felled in April of last year. Of the 14 trees on the site, 10 of them were either felled, or partially felled or ring-barked. A TPO had been served, but the trees were cut before the TPO could be received. After this, it was considered that the site as an orchard was essentially lost, as only the remaining undamaged trees at the northern end were likely to survive. The 10 trees that had been cut were likely to die or would be likely to shed limbs from what remained. The TPO system does not allow for the protection of dead or dangerous trees.

The site is now very overgrown, but it appears that the remains of three trees are present in the middle of the site, one of which appears to have re-sprouted from the stump. These remains would not merit protection by TPO. However, there is a group of trees at the northern end of the site that is shown to be retained. Three of these are apple trees. There’s also a birch and a palm tree. I think that these should be protected by a planning condition, and protected carefully during construction in the usual way. Also a good number of new trees should be included in a landscape scheme, as indicated on the current site plan.

LEAD LOCAL FLOOD AUTHORITY - No comment to make.

Representations Received

40 letters of objection on the following grounds:

- Overdevelopment and destruction of an old orchard
- Backland out of keeping with the area
- Orchard should be preserved for locals
- Access not suitable onto dangerous lane with poor visibility
- Increase danger to motorists, cyclists and pedestrians
- Access dangerous
- Green buffer and historic orchard should not be built on
- Loss of green land and habitat
- Important wildlife space, loss of biodiversity
- Disruption to nearby bungalow
- Detrimental impact on local amenity
- Loss of privacy
- Noise and disturbance
- Development unnecessary
- No need for housing
- No change from previous refusal
- Trees lost should have been protected and those left should be
- Heritage impact
- Infrastructure cannot cope
- Concern over surface water drainage
- Legal agreement relating to the site and covenant on the land
- Setting of precedent

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 Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local

Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

SD1 - Presumption in favour of sustainable development,
SP1 - Sustainable development locations,
DM1 - General requirements,
A1 - Parking Requirements,
D7 - Design quality,
D10 - Dwelling Sizes,
D12 - Amenity space,
ENV1 - Protection of trees, woodland, orchards and hedgerows,
ENV2 - Tree planting within new developments,
ENV4 - Archaeology,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Creation of dwelling is CIL liable.
Proposed development measures approx. 158sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £19,750.00. With index linking this increases to approximately £26,500.00.

New Homes Bonus

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough	£1,639
Somerset County Council	£410

6 Year Payment

Taunton Deane Borough	£9,834
Somerset County Council	£2,459

Determining issues and considerations

The proposal is for the erection of a single bungalow on land to the rear of existing two storey development at Town Farm and Sycamore Row within the historic village of North Curry. The land is within the settlement and surrounded by residential development. The main issues are suitability of the site in terms of location, character and design, biodiversity and the access.

The location is within the settlement limits of the village where development in principle is considered acceptable. It is in a backland position and was originally designated open space and possible allotment land for the Town Farm development granted in 2002. This land was referred to in the original Section 106 agreement for the site and was subsequently amended to paddock land with a clause in the legal agreement that it not be built on. Circumstances have clearly changed since the agreement was completed as the site does not form a buffer any longer and is now surrounded by residential development. This however is a legal issue that would need to be relaxed if development was to be granted. The covenant is not a relevant planning issue in the consideration of the application.

The land itself has been an undeveloped orchard area historically as evidenced from historic maps. The character of the area is as an overgrown orchard and a number of trees on the site have been subsequently felled prior to a TPO being formally served. The character of the surrounding area is of mainly two storey dwellings and while a bungalow design could be argued to be out of keeping with the general character of the village, there is a bungalow immediately to the east. However this site is not in the conservation area and has no specific designation and a bungalow would not have any adverse impact on the amenity of neighbours.

Policy ENV1 of the SADMP seeks to minimise the loss of trees and orchards among other natural features and seeks a net gain where possible. It is proposed to plant replacement trees for those removed as part of the development, and an alternative public orchard area planted on open space in the village has been provided to compensate for the loss of the area. The site is privately owned and trees will be planted to supplement those already on the site which would result in a net gain. This being the case the impact of a single storey property and tree planting is not considered to adversely impact on the character of the area to warrant a refusal of the proposal and it is considered to comply with policies ENV1 and ENV2. A biodiversity survey has been carried out and it is recognised that the NPPF seeks biodiversity enhancements. It is considered that subject to a suitable condition to protect wildlife and secure enhancements identified in the report, there is no significant harm to protected species to warrant a refusal.

The access to the site is proposed via an existing access onto Knapp Lane in a location around 45m with the junction with Queen Square. The access serves existing properties and the addition of a single dwelling is not considered to generate significant traffic to warrant a highway concern, particularly as the visibility in both directions is considered adequate. The proposal has parking and turning within the site which complies with policy A1 of the SADMP and the Highway Authority raise no objection.

In summary the development would result in the provision of a bungalow that would not impact on the amenity of neighbouring dwellings. The access is suitable to serve a single dwelling and the main issue is the loss of an historic orchard area. A

replacement public orchard area has been provided and replacement tree planting for those previously lost can be conditioned as well as the protection of those trees to remain. On balance the proposal is considered to comply with policies of the development plan and is recommended for approval.

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

Contact Officer: Mr G Clifford

42/19/0021

MR & MRS A EXLEY

Erection of a two storey extension and a single storey extension to the sides of 4 The Paddock, Honiton Road, Trull

Location: 4 THE PADDOCK, HONITON ROAD, TRULL, TAUNTON, TA3 7JR

Grid Reference: 321565.122674

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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 PA101 Location and Block Plan
(A3) DrNo PA203 Rev B Proposed Ground Floor Plan
(A3) DrNo PA204 Proposed First Floor & Roof Plan
(A3) DrNo PA302 Proposed Elevations S & W
(A3) DrNo PA303 Proposed Elevations E & N

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

3. (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be

replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

Proposal

This application seeks approval for the erection of a two storey rear extension and single storey rear and side extensions. The two storey rear element will project off the rear elevation of the erstwhile single storey garages by approx. 3 metres. It is to have four high level roof lights on the south elevation and a first floor bedroom window on the east elevation. The single storey side extension will project off the north elevation by approx 3.5 metres and the single storey rear element is a replacement of an existing conservatory with no change to the footprint. All to be finished in matching materials.

Site Description

This is a detached two storey dwelling in a small development of three other similar houses all finished in brick under interlocking concrete tiles. The fairly ample rear gardens are enclosed with 1.8 metre high fencing and mature planting while the front amenity space is open plan providing a spacious and harmonious, level appearance. The development is elevated above the road and the unclassified access road slopes down to a busy Class 3 highway.

Relevant Planning History

42/90/0048 - Erection of first floor extension - CA

42/10/0008 - Construction of pitched roof to annex - CA

Consultation Responses

TRULL PARISH COUNCIL - objects to this application due to the overbearing nature of the proposed extensions; the layout and density; and the boundary wall which will affect the character of The Paddock and impact on neighbours.

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice.

Representations Received

Four representations received:

- Objection to the proposed boundary wall with loss of open nature of the street scene, out of keeping with the feeling of spaciousness within the development. The plans do not specify the height of proposed wall, but a wall will restrict vehicle movement and visibility.
- Proximity of proposed garage to neighbouring dwelling, adverse impact on view and light on front rooms, dangers to children playing in the front garden, loss of privacy at 2 The Paddock.
- Increased traffic into the development, increased car fumes and noise, wear and tear to road surface, blocking of access road during build affecting school run and general access.
- Rear extension would cause loss of privacy to The Coach House and has suggested additional tree planting to overcome this.

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 Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

D5 - Extensions to dwellings,
DM1 - General requirements,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Extensions of 100sqm or larger are CIL liable.
Proposed development measures approx. 108sqm.

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £7500.00. With index linking this increases to approximately £10,000.00.

New Homes Bonus

Not applicable.

Determining issues and considerations

The main issues in the determination of this application are the impact on visual and residential amenity. The policies against which it will be considered are D5 (Extensions to dwellings) of the Taunton Deane Adopted Site Allocations and Development Management Plan 2016 and DM1 (General requirements) of the TDBC Adopted Core Strategy 2011-2028.

The extensions will be finished in materials and in a style to match the main dwelling. They will be subservient in scale and design and have little significant impact on the form and character of the dwelling to be extended.

In response to neighbour, Parish and Officer concerns, revised plans have been received that remove the proposed wall and gate at the front so that the open aspect of the street scene and visibility for safety reasons, is retained. Provision has been made within the curtilage of the dwelling for parking of three vehicles and off-road turning space, which maintains safety for the residents of the development.

The proposed single storey hipped roof side extension on the north elevation is a small extension of an existing building which was once a single garage. It remains set back from the principal elevation building line by approx. 4 metres and will be approx. 2.8 metres from the northern boundary. There will be no windows on the north elevation and it will be partially obscured from view from 2 The Paddock by the existing 1.8 metre high fence and mature shrubs.

The proposed two storey rear extension has first floor bedroom windows facing east, placed at 22.5 metres from the furthest rear boundary hedge and approx 7 metres from a wide hedge separating this site from the entrance driveway of the Coach House. Due to the orientation of this and neighbouring dwellings the siting of the extensions is considered to be an acceptable distance from other gardens and dwellings in the vicinity. They would not result in any loss of light and, not being a living room window, no significant loss of privacy from the first floor bedroom window as to warrant refusal. It is therefore considered not to cause significantly unacceptable harm to the residential amenity of the occupants of the neighbouring dwellings.

Off road parking and turning for three vehicles is provided in the proposal and with the removal from the proposed plans of the front wall and gates, visibility is maintained and safety issues are overcome. The extensions cause no significant harm to future amenities, parking, turning space and other services of the dwelling to be extended. Therefore for the above reasons this application is considered to comply with the relevant policies and is recommended for approval.

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

Contact Officer: Mrs M Pike

APPEALS RECEIVED - 22 AUGUST 2019

Site: The Barn, The Willows, Stanmoor Mead, Curload, Stoke St Gregory, Taunton, TA3 6JD

Proposal: Notification for Prior Approval for a change of Use of agricultural building to 2 no dwelling houses (Class C3) and for associated operational development at The Barn, The Willows, Curload, Stoke St Gregory

Application number: 36/19/0013/CQ

Appeal reference: APP/W3330/W/19/3234524

Enforcement Appeal:

Site: The Barn, The Willows, Stanmoor Mead, Curload, Stoke St Gregory, Taunton, TA3 6JD

Proposal: Erection of a single storey holiday let with associated works and landscaping at The Former Walled Garden of Wellisford Manor, Langford Budville

Application number: 21/18/018/LB

Appeal reference: APP/D3315/W/19/3232887

Enforcement Appeal:

Site: The Barn, The Willows, Stanmoor Mead, Curload, Stoke St Gregory, Taunton, TA3 6JD

Proposal: Erection of a single storey holiday let with associated works and landscaping at The Former Walled Garden of Wellisford Manor, Langford Budville

Application number: 21/18/0019

Appeal reference: APP/D3315/W/19/3232862

Enforcement Appeal:

Site: Westpark 26, Wellington, TA21 9AD

Proposal: Display of 1 no illuminated pole sign at Westpark 26, Wellington

Application number: 43/19/003/A

Appeal reference: APP/W3330/Z/19/32321135

Enforcement Appeal:

Appeal Decisions 22 August 2019

Site: Sainsbury Supermarket, Hankridge Way, Taunton, TA1 2LR

Proposal: Installation of concession pod to the front of Sainsburys Supermarket, Hankridge Way Retail Park, Taunton

Application number: APP/D3315/W/19/3224972

Reason for refusal: Appeal Allowed



Appeal Decision

Site visit made on 23 July 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2019

Appeal Ref: APP/D3315/W/19/3224972

Sainsbury's Supermarket, Hankridge Farm Retail Park, Hankridge Way, Taunton TA1 2LR

- 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 Sainsbury's Supermarkets Ltd against the decision of Somerset West and Taunton Council.
 - The application Ref 48/18/0040, dated 6 July 2018, was refused by notice dated 14 January 2019.
 - The development proposed is described as proposed Timpson concession pod and associated adverts.
-

Decision

1. The appeal is allowed and planning permission is granted for proposed Timpson concession pod at Sainsbury's Supermarket, Hankridge Farm Retail Park, Hankridge Way, Taunton TA1 2LR in accordance with the terms of the application, Ref 48/18/0040, dated 6 July 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: CHQ.17.12196-PL01, CHQ.17.12196-PL02, CHQ.17.12196-PL03, CHQ.17.12196-PL04, CHQ.17.12196-PL05, CHQ.17.12196-PL06 and CHQ.17.12196-PL07.
 - 3) The pod hereby permitted shall not be used for purposes other than dry cleaning, key cutting, watch repair, engraving and shoe repair services.

Procedural Matters

2. On 1 April 2019, Taunton Deane Borough Council merged with West Somerset District Council to become a Unitary Authority, Somerset West and Taunton Council. Until such time as they are revoked or replaced, the development plans for the merged local planning authorities remain in place for the area within the unitary authority which they relate to. It is therefore necessary to determine this appeal with reference to the plans produced by the now dissolved borough council.
3. The original application to the Council proposed the installation of advertisements as well as the concession pod. However, the Council's Decision Notice Ref 48/18/0040 relates to the concession pod only and Part E of the appeal form describes the development as proposed Timpson concession pod. Accordingly, I have removed reference to the advertisements in the description of development and have dealt with the appeal on this basis.
4. The National Planning Policy Framework (the Framework) was revised in February 2019. However, as the Framework's policies that are most relevant to this appeal have not materially changed, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issue

5. The main issue is the effect of the development on the vitality and viability of Taunton town centre, with particular regard to the sequential test.

Reasons

6. Situated outside the front entrance of a Sainsbury's store, the development would create a retail unit providing a main town centre use with an internal floor area of approximately 14.6 square metres. The appeal site is located in an out of centre location.
7. To protect the vitality and viability of town centres, Policies CP3 of the Adopted Taunton Deane Core Strategy 2011 - 2028 (CS) and TC5 of the Taunton Deane Adopted Site Allocations and Development Management Plan (SADMP) and the Framework require proposals for main town centre uses in out of centre locations to be assessed sequentially. In relation to the sequential test, paragraph 87 of the Framework advises that, amongst other aspects, applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored. Planning Practice Guidance (PPG) indicates that the application of the test should be proportionate and appropriate for the given proposal and that flexibility should be demonstrated in considering the suitability of more central sites to accommodate the proposal and in relation to its format and/or scale.¹
8. The Council identified several sites in Taunton town centre which the appellant's original sequential test did not include but which are considered by the Council to be a suitable scale and format for the proposal. This is based on the Council's position that commercial considerations should not override planning policy, and appeal decision Ref APP/D3315/Q/11/2151808 was submitted as supporting the Council's position that additional sites within the town centre should have been included in the sequential test.
9. Describing the concession pod as being an ancillary facility for a food store, the appellant focused their original sequential test on sites adjacent to food stores.

However, the appellant's appeal statement incorporated the Council's list of sites, which included units not associated with a foodstore, in an updated sequential test. Two other town centre sites, identified by the appellant as becoming vacant since the Council's decision and being potentially suitable with regard to a flexible approach to format and scale, were also considered.

10. Incorporating flexibility, the appellant's updated sequential test considered units with a larger floor area than the proposed concession pod and sites which are not only attached to or associated with a large food store. Proportionate and appropriate for the proposal, the updated test identifies that, irrespective of their proximity to a foodstore, the additional sites are either not available, not available within a reasonable period or are not suitable due to their scale. The Council has not alleged that any of the sites covered in the appellant's original and updated sequential test are available or suitable. Accordingly, the evidence before me indicates that there are no suitable sequentially preferable locations. On this basis, the PPG advises that the sequential test is passed.

¹ PPG, Paragraph: 011 Reference ID: 2b-011-20190722 Revision date: 22 07 2019.

11. The size of the development means that an impact assessment is not required. Given its limited floor area, the concession pod would provide an ancillary facility to customers visiting Sainsbury's and the retail park as opposed to being a destination in its own right. The proposed end user, Timpson, has also indicated that it intends to keep its high-street format store in Taunton town centre as well as operate the concession pod at the appeal site, but does not want another store within the town centre. I did not observe a significant number of vacant units in the town centre on my site visit and the evidence before me does not indicate otherwise. I also have little substantive evidence that the development would impact on investment within a centre and would not be accessible by public transport, cycling or pedestrians. The development would therefore not have a significant effect on the vitality, viability and diversity of Taunton town centre, nor would it undermine the Council's adopted development plan policies or the Council's policy of safeguarding the vitality and viability of Taunton town centre.
12. For the above reasons, I conclude that the development would not harm the vitality and viability of Taunton town centre, with particular regard to the sequential test. I therefore find that the proposal accords with CS Policy CP3 and SADMP Policy TC5. Amongst other aspects, these: promote and enhance town and other centres as the primary location for main town centre uses, require the sequential test and impact assessment for relevant development, and seek to ensure that out-of-centre proposals would not have significant adverse impacts on the vitality, viability and diversity of town and other centres, would not impact on investment in a centre and are accessible. The proposal would also be consistent with the provisions in the Framework in relation to ensuring the vitality of town centres and its three sustainable development objectives.

Other matters

13. The Council has referred to other decisions and its consistency of approach for similar out-of-town development. However, I am unable to draw a comparison to the appeal proposal because the details of those developments and Council decisions are not before me. In any event, each case must be determined on its own merits and I have found in this instance that there are no sequentially

preferable sites for the appeal proposal.

Conclusion and conditions

14. I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. However, I have not included the plan SSP3-6.65m because this plan relates to advertisements. I have also imposed a condition, suggested by the appellant, restricting the activity that can take place within the pod. This condition is necessary in order to ensure that the pod is used for the retail activity purposes applied for and in order to safeguard the vitality and viability of the town centre.
15. For the above reasons, the appeal is allowed.

Tobias Gethin

INSPECTOR

Site: Land to East of Stancombe Farm, Langford Budville

Proposal: Change of Use of building to dwelling on land to the east of Stancombe Farm, Langford Budville

Application number: APP/D3315/C/18/3211485

Reason for refusal: Appeal Dismissed



The Planning Inspectorate

Appeal Decision

Inquiry Held on 25 June 2019 Site
visit made on 25 June 2019

by Roy Merrett Bsc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2019

Appeal Ref: APP/D3315/C/18/3211485

**Land to the East of Stancombe Farm, Langford Budville, Wellington
Somerset TA21 0SD**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Ms Jessie Knights against an enforcement notice issued by Taunton Deane Borough Council.
- The enforcement notice was issued on 15 August 2018.
- The breach of planning control as alleged in the notice is Without planning permission, the material change of use of a building on the Site shown in the approximate position on the attached plan as a rectangle coloured black ("The Building") and the area surrounding the Building as shown on the 3 attached photographs from agricultural use

to residential use.

- The requirements of the notice are (i) Cease the use of the Building for residential purposes; and (ii) Remove from the site all residential and domestic equipment and materials associated with the residential use including the garden pergola seat.
- The period for compliance with the requirements is four months.
- The appeal is proceeding on the grounds set out in section 174(2) (c), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with a variation.

Preliminary Matters

1. As a result of local government reorganisation, from 1 April 2019 the Council is now known as Somerset West and Taunton Council.
2. At the beginning of the Inquiry, I acknowledged that the Council's proof of evidence and supporting documents had been submitted after the 4-week deadline specified in the regulations. However in view of the relatively limited scale of evidence provided and to balance the reasonable expectation of the appellant to have the matter dealt with expediently, a short adjournment was agreed to allow time for the documents provided to be considered.

The appeal on ground (c)

3. The ground (c) appeal is that there has not been a breach of planning control. There is no dispute between the parties that the building subject to the notice is now a residential dwelling and that the only factor that could safeguard its lawful status would be if it was too late to enforce against it due to the passage of time. This, however, is a ground (d) argument. An appeal on ground (c) would be considered independently of the question of immunity periods, and

accordingly the relevant question is '*would the change of use have required planning permission?*'. I have not been provided with any evidence to persuade me that the change of use of the building to residential use would not have required planning permission. The ground (c) appeal therefore fails.

The appeal on ground (d)

4. The ground of appeal is that at the date the notice was issued, no enforcement action could be taken. In order to succeed on this ground, it would be necessary for the appellant to demonstrate that the use as a separate self-contained residential unit had continued for a period of not less than four years before the notice was issued, that is from 15 August 2014. The Council dispute this ground but say that even if the development could be regarded as immune from action by applying the test of the passage of time, the appellant has taken steps to deliberately conceal the existence of the residential unit. This in turn means that she is unable to rely on the aforementioned immunity period.
5. The site comprises a smallholding, with a small number of animals, including pigs and horses and some sporadic structures including caravans and horseboxes. There is no dispute that the building subject to the notice, a former cricket pavilion, was developed on the site more than four years ago. Consequently, the structure in its own right benefits from immunity from enforcement through the passage of time.
6. The appellant's case is that whilst there has been regular overnight use of the building for lengthy continuous periods for several years, full time residential use of the site by the appellant's father, Mr Peter Brading, has continued for more than four years prior to the enforcement notice being issued.
7. In terms of when residential use of the site can be said to have commenced, the question of when the building could be regarded as first forming a dwellinghouse is clearly a key consideration. In this regard it is established in case law that a key characteristic of a dwelling is its ability to afford to those who use it the facilities required for day to day private domestic existence¹. Thereafter the continuity of occupation of the building for residential purposes is also a key matter.
8. At the Inquiry and in other evidence provided, various witnesses said that the interior of the building had been gradually improved over time and included the installation of a sink in December 2016. Prior to this time, it would appear that water was supplied from a borehole via a tap attached to the outside of the building and was transferred into the building in a tank. It would also appear that a cooker and hob was fitted around the same time. Beforehand, there had been reliance on a two-ring gas hob, although reference was made, particularly by Mr Brading, to a range of different cooking facilities. Notwithstanding this, the appellant conceded in cross-examination, that prior to December 2016 cooking took place in a caravan elsewhere on the site or outside. This may explain how a family acquaintance, Mr. Wilson, who gave evidence to the Inquiry, was able to recall being provided with a roast meal during a visit some years ago.

¹ *Gravesham Borough Council v Secretary of State for the Environment (1982) 47 P&CR 142*

9. The dwelling is served by a 'long drop' toilet housed in a separate adjacent building. There was general agreement by the appellant and other witnesses that this facility has been in place for some 9 – 10 years.
10. I acknowledge that the notion of precisely what facilities are required for day to day existence will vary from one person to the next; also the fact Mr Brading appears to have adopted a lifestyle based on limited material means and low environmental impact would indicate that he is likely to be more accepting of the most basic amenities than many other people would be.
11. However, in the context of the aforementioned case law, in an extreme case, even if it is possible to survive in the most basic of buildings through the shelter it provides and through importing minimal food and water to allow for sustenance and cleaning, this cannot be enough to make the building in question a dwelling.
12. I acknowledge the various adaptations that have been made on the site in order to accommodate day to day existence. I have taken into consideration that prior to December 2016 the building subject to appeal does not appear to have had an internal water supply and toilet facility and that cooking facilities appear to have been very limited. Whilst this is obviously not the extreme example that I have referred to above, I am not persuaded that, in combination, this arrangement would have allowed for sufficient convenience and flexibility, such that the building could be regarded as a self-contained residential unit, complete with facilities to afford the conditions for day to day existence, in the context of the *Gravesham* case.
13. Furthermore, it also became apparent at the Inquiry that some low-key agricultural use continues to be made of the wider site, in particular the rearing of a small number of pigs. It was indicated that the external toilet facility also serves this use of the site, and would appear to have done since before the permanent dwelling is said to have existed. Despite the fact that a domestic toilet could be located outside the main dwelling, particularly historically, this arrangement in this case would undermine the argument that the toilet forms part of a self-contained residential unit. Notwithstanding this, drawing the above considerations together, I reach the conclusion, on balance, that the appeal building did not become a dwelling until December 2016, following improvements to the kitchen arrangements.
14. In terms of the duration of use of the building for residential purposes, responding to a Planning Contravention Notice (PCN) issued by the Council in February 2017, the appellant stated 'No' when asked if the site has been used as a permanent residential site. A statutory declaration provided by the appellant's father², dated 30 April 2018, stated that the site had been occupied permanently for four years and eight months, therefore from September 2013. In evidence to the Inquiry, Mr Brading said, by contrast, that he had occupied the site permanently since 2012 following a serious accident. Jessie Knights when asked at the Inquiry about her father's residential occupation responded four to five years ago. Karen Knights in her proof of evidence replied that Mr Brading had lived there full time for the last five years. These latter responses would suggest full-time occupation commenced in 2014 or 2015.

² Associated with a previous application for Certificate of Lawfulness Ref 21/18/0010/LE

15. From the evidence before me and that presented at the Inquiry, the date when full time residential occupation of the site commenced is therefore ambiguous. Despite evidence being sworn and given on oath, when considering the contradictory nature of these statements, I do not find the information provided about when permanent residential occupation commenced to be sufficiently reliable, to conclude on the balance of probability that the Council is out of time to enforce. The supporting statements provided by various third parties, as appended to the appellant's evidence, do not overcome this ambiguity. However, even if the Council was out of time because of the duration of permanent occupation, this would not overcome the concerns I have raised above regarding when the change of use occurred.
16. Furthermore, despite the appellant's denial of concealment, I struggle to reconcile the negative response given to the question in the February 2017 PCN about permanent residential use of the site, with the revelation in sworn evidence made later on that the building has indeed been occupied full time as a dwelling since well before that time in 2017.
17. The question, which asked the appellant about any knowledge they had of permanent residential use of the site by anybody, was straight forward. The suggestion that the appellant was confused by the question or was unaware that her father was occupying land in her ownership and which she was visiting regularly at this time, is simply not compelling.
18. For all that Mr Brading says that the Council and members of the local community were aware of his presence on the site, I am not persuaded that the aforementioned response to the PCN was not an attempt to conceal his full-time residential occupation there.
19. I am mindful that the National Planning Policy Framework states that effective enforcement is important to maintain public confidence in the planning system and the Government's Planning Practice Guidance acknowledges that this relies on accurate information about an alleged breach of planning control. It is commonplace for Councils to rely on evidence given in PCN enquiries to inform whether enforcement action is taken.
20. From the information before me, I am not persuaded that permanent residential use of the site as a self-contained dwelling should have been obvious to the Council simply by visiting the site and talking to people present there. There is nothing in the appellant's or any of the other witnesses' sworn evidence to persuade me that Council officers were specifically informed by them that the appeal building was the subject of continuing permanent residential occupation. Furthermore, had the appellant confirmed residential occupation when asked about this in 2017, it would, in my view, have increased the likelihood of enforcement action being taken at this time.
21. Accordingly I conclude that even if I am wrong with regard to when the building first became a dwelling and that continuous residential use could be demonstrated over the key period, the appellant should not be able to rely on the time periods set out in S 171B of the Act to claim immunity from enforcement, as a result of the concealment of information. The ground (d) appeal fails.

The appeal on ground (f)

22. The ground is that the steps required to comply with the notice exceed what is necessary to remedy the breach of planning control. I acknowledge that the appellant does not dispute the requirement for the residential use of the building to cease, in the event of the appeal on ground (d) being unsuccessful.
23. However it is argued that the requirement to remove residential and domestic equipment and materials is excessive. It seems to me that the existence of such items are part and parcel of facilitating the residential use. The purpose of the notice is clearly to remedy the breach by ceasing the use and restoring the land to its condition before the breach took place. If domestic and residential items were allowed to remain in place, this objective would not be achieved, and it would also make it unreasonably difficult to prevent the resumption of the unauthorised residential use.
24. There is however a further complication in that the appellant argues that without reference to the specific items that should be removed, the requirements are ambiguous, particularly because there are items that have a dual use, not being solely used for residential purposes. The appellant states in closing submissions that for this reason the notice should be regarded as a nullity.
25. However I am not persuaded that there should be any difficulty identifying items that genuinely relate to the residential use of the land, and furthermore distinguishing such items from those on the site that may continue to be needed for welfare purposes only, both in terms of nature and quantity, in connection with any low-key agricultural use of the site. In this context and from the information before me, I am not persuaded that the garden pergola seat should not be removed. I therefore consider the requirements of the notice to be sufficiently precise and not readily open to misinterpretation. The ground (f) appeal fails.

The appeal on ground (g)

26. Despite, a lifestyle preference for living on the site, I am not persuaded, from the evidence provided, that alternative accommodation would not be available to Mr Brading in the form of the property, near Yeovil, undisputed to be occupied by his partner, and with whom he would still appear to be in a relationship.
27. This would overcome the need to seek alternative accommodation from scratch. Mr Brading states that it would be necessary to identify a suitable alternative site to accommodate the animals present there. However, whilst I understand that living close to his animals may be a preference, there is no evidence before me that this would be essential, and that horses and pigs could not remain on the site. I therefore see no justification in terms extending the compliance period to the 12 months requested. However a small extension to 6 months should be sufficient to allow the appellant's father to relocate, whilst making alternative arrangements for any domestic pets present on the site, should this be necessary. The ground (g) appeal succeeds to this limited extent.
28. I recognise that the loss of residential use of the site would interfere with rights under Article 8: The Right to Respect for Private and Family Life and for the

Home of the Human Rights Act 1998 (HRA). However these are qualified rights and Article 8(2) provides that interference may be justified where it is in the interests of, amongst other things, the economic well-being of the country which has been held to include the protection of the environment and upholding planning policies. Accordingly, whilst taking into account a variation to the enforcement notice to allow for an extended compliance period, the degree of interference that would be caused would be insufficient to give rise to a violation of rights under Article 8 and would not be disproportionate.

Conclusion

29. For the above reasons, I reach the conclusion, as a matter of fact and degree and on the balance of probability, that the dwelling, in a form that would meet the accepted definition of such, has not been in use on the site for a period of more than four years prior to the notice being issued. Accordingly a material change of use of the property did not occur more than four years before the enforcement notice was issued. In any event I have found deliberate concealment, meaning that reliance cannot be placed on the immunity period in question.
30. For the reasons given above I conclude that the appeal should not succeed and I shall uphold the enforcement notice with a variation.

Formal Decision

31. It is directed that the enforcement notice be varied by deleting the words "4 months" in paragraphs 6(i) and 6(ii) and substituting the words "6 months" in both cases instead.
32. Subject to this variation the appeal is dismissed and the enforcement notice is upheld.

Roy Merrett

INSPECTOR

Site: Land at West Street, Watchet, Somerset, TA23 0BQ

Proposal: Erection of dwelling

Application number: APP/H3320/W/19/3225541

Reason for refusal: Appeal Dismissed

 The Planning Inspectorate

Appeal Decision

Site visit made on 23 July 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2019

Appeal Ref: APP/H3320/W/19/3225541

Land at West Street, Watchet, Somerset TA23 0BQ

- 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 The Really Practical Design Co Ltd against the decision of Somerset West and Taunton Council.
 - The application Ref 3/37/18/019, dated 27 June 2018, was refused by notice dated 7 March 2019.
 - The development proposed is described as construction of a house on land at West Street, Watchet.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. On 1 April 2019, West Somerset District Council merged with Taunton Deane Borough Council to become a Unitary Authority, Somerset West and Taunton Council. Until such time as they are revoked or replaced, the development plans for the merged local planning authorities remain in place for the area within the unitary authority which they relate to. It is therefore necessary to determine this appeal with reference to the plans produced by the now dissolved district council.

Main Issue

3. The main issue is whether the proposed development is acceptable in the absence of on-site parking.

Reasons

4. Policy T/8 of the West Somerset District Local Plan 2006 (WSDLP) requires, amongst other aspects, the provision of car parking at residential sites in accordance with Appendix 4, Table 4 unless it can be demonstrated that shared car parking, public transport or other means can reduce the need for visitor parking. The Council indicates that Appendix 4 sets out that two car spaces are required for a dwelling. However, the Somerset County Parking Strategy has superseded this figure, instead requiring a maximum optimum of 2.5 car parking spaces for three bedroom dwellings, such as the appeal proposal.
5. There has been a number of planning applications for residential accommodation at the appeal site, and outline permission was granted at appeal (Ref APP/H3320/A/14/2225365) in 2015 for a similar development to

this appeal proposal. Although that permission has now lapsed, it is a material consideration to which I give significant weight.

6. The absence of on-site parking was a main issue in the previous appeal and the same parking standard and policy remain in place now. The Inspector for that appeal found that the specific local circumstances at that time – including to the site's location relative to shops and services and the availability of nearby parking provision – justified a deviation from the Council's parking standards and rendered that scheme acceptable. However, the evidence before me indicates that there has been a significant change in local circumstances since that appeal decision, with the nearby West Street car park, which provides parking for residents and is controlled by a barrier, being full and no longer having spaces available. At the time of the Council's decision on this appeal proposal, the Clerk to Watchet Town Council indicated that there was a waiting list of 11 applicants for spaces in the West Street car park.
7. I do not have the full details of the previous appeal proposal, and I am not certain what evidence was submitted with that appeal, including in relation to the services and facilities in Watchet and public bus services at that time. I recognise that various aspects may also not have changed, such as the characteristics of nearby footways. However, representations from neighbours indicate that there have been some changes to services and facilities in Watchet since the previous appeal decision, such as closure of the bank, and there is no longer the passing 'Webber' bus service. I have little evidence on the level, frequency and destinations of bus services in the area now, and I did not observe any bus stops in the vicinity of the site at the time of my site visit. The evidence before me therefore points to there now being fewer facilities and services available to occupiers of this appeal proposal and their visitors than compared with when the previous appeal was determined. I note that the stream train service at Watchet also only runs in the summer and autumn. Accordingly, it seems to me that the train is geared more towards tourism and does not provide residents and their visitors with a viable, accessible alternative to the car.
8. It has been put to me that the site is in a sustainable location, existing residents in nearby properties use the public footpath to access their properties, future occupiers of the development could live quite happily without a car, the dwelling would only be bought or rented by someone who is happy with the lack of on-site parking and no one will be forced to live there. Albeit involving relatively narrow, intermittent footways and limited street lighting, I recognise that the site is also a short walk from the various services and facilities in Watchet, and that this would serve to reduce the need for a car. Future occupiers could also choose not to have a car, and cycle parking would be provided in accordance with part iii of WSDLP Policy T/8.
9. Be that as it may, I am mindful of the fewer services, facilities and public transport options that Watchet now has compared with when the previous appeal was determined. The local topography, the relatively narrow highway and the steps near the site indicate that it would not be particularly conducive for occupiers and visitors to access the site by cycle. It seems reasonable to me to expect that a three-bedroom dwelling could also accommodate a family. Accordingly, although some households do cope without a car, it seems to me that future occupiers would be likely to have at least one car and that visitors,

given the cycling and public transport options, would also often be likely to travel by car.

10. I acknowledge that occupiers of the development might be able to obtain a space in the West Street resident car park in the future. However, I have little substantive evidence that future occupiers would actually be able to do so, and in any event the number of people on the waiting list could mean a lengthy wait for future occupiers of the development to obtain a space there. Consequently, the development would be likely to result in an increase in demand for the limited number of on-street parking spaces on West Street, which I observed on my site visit were well-used and surrounded by a number of properties with generally limited off-street parking provision. Future occupiers and their visitors would therefore be likely to need to frequently park further afield, such as in Market Street car park. However, that car park is some distance away and would involve walking further along a relatively narrow, sloping highway, on intermittent footways with limited street lighting.
11. The Council has not specifically detailed what harm they see arising from the development. Nevertheless, it is clear to me that the lack of on-site parking and lack of available space in the nearby resident-only car park would be likely to result in increased vehicle manoeuvres on the relatively narrow highway as future occupiers and their visitors search for a space to park. This could hinder the free flow of vehicles and create a hazard for other highway users. It is likely that the limited on-street parking available near the site would mean that occupiers and their visitors would also often have to park further away from the site. They would therefore have to regularly negotiate the intermittent and relatively narrow footways, which are not particularly safe.
12. Part ii of Policy T/8 allows for a contribution towards improving deficiencies in public transport, cycleways or pedestrian facilities associated with the development where a reduced level of car parking is appropriate. The Council has not indicated what such a contribution may entail and the appellant has not provided a contribution. However, for the reasons above and based on the evidence before me, a contribution would not be acceptable in any event because a reduced level of parking, involving no on-site spaces, would not be appropriate on the basis that it has not been demonstrated that shared car parking, public transport or other means can reduce the need for visitor parking. Consequently, a condition securing such a contribution would not comply with policy nor overcome the harm. I therefore conclude that the development would not be acceptable in the absence of on-site parking and find that the proposal would conflict with WSDLP Policy T/8. The proposal would also be inconsistent with the provisions of the National Planning Policy Framework (2019) relating to sustainable transport, access and highway safety, including as set out in paragraphs 108 and 109.

Other matters

13. I acknowledge the appellant's frustration regarding the time taken by the Council to determine their planning application for two dwellings at the site and that the lapsing of the 2015 outline permission has financial implications for them. However, these issues are not determinative as to the acceptability of this appeal proposal. On the evidence before me and as set out above, there are also clear differences in the circumstances between when the appeal

decision was made for the previous scheme and now. I have therefore considered the proposal on its merits, based on the evidence before me.

14. The Council has not objected to the design, layout or size of the development and an ecology survey has been submitted with the appeal. The development would also provide a new house, which is needed. Be that as it may, these matters do not outweigh the harm I have identified nor provide justification for development that conflicts with the development plan.
15. I recognise that the previous appeal decision found that a dwelling on the site made effective use of land and that the Council has indicated that the site formerly accommodated a number of dwellings. However, I have limited details of this and observed on my site visit that the site does not currently have any dwellings on it. I note that the previous Inspector found that the site was also in a sustainable location based on the circumstances at that time. However, for the reasons above and based on the current circumstances and information before me, I find that this appeal proposal would conflict with parts of the social roles set out in paragraph 8 of the Framework and does not therefore constitute sustainable development.
16. Neighbours have raised a number of other concerns in relation to the development, such as its effect on neighbours' living conditions, construction management and the need for electric car charging. However, given my conclusions on the main issue and that the appeal is dismissed, there is no need for me to address these in further detail.

Conclusion

17. For the above reasons, the appeal is dismissed.

Tobias Gethin
INSPECTOR

Site: Der Bauernhof, Jews Lane, Wiveliscombe, Taunton, TA4 2BU

Proposal: Erection of temporary workers accommodation at Der Bauernhof, Jews Lane, Wiveliscombe

Application number: APP/D3315/D/19/3223097

Reason for refusal: Appeal Dismissed

 The Planning Inspectorate

Appeal Decision

Hearing Held on 9 July 2019

Site visit made on 9 July 2019

by S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2019

Appeal Ref: APP/D3315/W/19/3223097

Der Bauernhof, Jews Lane, Wiveliscombe, Taunton, Somerset TA4 2BU

- 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 Martin Ahern against the decision of Somerset West and Taunton Council.
 - The application Ref 49/18/0008, dated 19 January 2018, was refused by notice dated 24 October 2018.
 - The development proposed is the erection of temporary farm workers accommodation.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. It was agreed by both parties that the description of development should be as included in both the submitted Appeal Form and the Council's Decision Notice, rather than the longer version on the Application Form.

Main Issue

3. Whether, having regard to national planning policy that seeks to avoid isolated new homes in the countryside and inaccessible rural locations, there is an essential need for a rural worker to live at or near their place of work.

Reasons

4. The site is within the countryside, near the village of Maundown. The site comprises a relatively small farm with one large barn and also a collection of smaller sheds, polytunnels and two caravans. The appellant stated in the Hearing that at times he did sleep overnight in the caravan when necessary due to late evenings followed by early starts working on the farm, for example.
5. There are livestock on the farm including goats, pigs, sheep, turkeys and chickens. The proposed cabin style temporary dwelling is explained by the appellant as mainly being necessary due to the time needed to feed the new young goats that come to the farm. There is also time needed for other duties at the farm, such as mucking out, feeding and looking after the other animals, keeping the site secured (including from foxes) and the growing of crops (through hydroponic techniques). However, as clarified at the Hearing, the main justification put forward for a temporary dwelling at the farm is the

feeding of goats, with no substantive evidence provided of how the other duties on the farm would necessitate someone living on site.

6. Paragraph 79 of the National Planning Policy Framework (the Framework) advises that the development of isolated homes in the countryside should be avoided unless certain circumstances apply. This includes where there is "an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside." The site of the proposed cabin is not within a settlement and would appear physically separate from the nearest village of Maundown.
7. Within the Taunton Dean Adopted Site Allocations and Development Management Plan 2016 (SADMP) policy H1b is particularly relevant. Applications for temporary dwellings for rural workers are assessed under policy H1b, which supports new dwellings that are essential to support a new agricultural or other rural-based dwelling, subject to criteria, for a temporary period of usually three years. The appellant has made clear that they would accept a condition that the dwelling be retained for a temporary period.
8. There is clearly a firm intention to develop the business, with the appellant already running the business from the farm with livestock present on site for over three years. The appellant has regular suppliers and also buyers of the products, including the goats for meat. However, the issue in dispute is whether there is a functional need for a dwelling at the site.
9. From the information submitted by the appellant, the feeding of the young goats using milk bottles, for approximately the first several weeks they are at the farm, is time consuming and labour intensive. Four 15-minute feeds a day for each goat, which means that last year when there were 22 young goats on the farm, it took approximately 22 man-hours to feed them per day.
10. However, for much of the year in 2018 there was considerably fewer young goats on the farm to feed. There were only 14 weeks of 2018 that there were over 10 goats to feed. The appellant stated in the hearing that future years would probably have a similar number of young goats to feed, although this is variable. Nonetheless, in terms of evidence, the time taken for goat feeding is primarily based on the 2018 figures submitted.
11. With the weeks when there would be a significant number of goats that needed bottle feeding, the appellant at the Hearing confirms that both Mr Ahern and his partner would be generally present to share the workload with shift work. On this basis, in approximate terms, the feeding may be done over the day without unsociable hour work, even when there are over 20 kid goats on the farm, for example. Whilst this is still a long day, especially if other farm chores are included, this could be achieved without having to have accommodation at the farm.
12. There is evidence of some very long days working at the farm, but there is no substantive evidence of the work done on these particular days and how frequently they occur. Also, as explained above, for most of the year there would be less than approximately 10 man-hours per day needed to feed the kid-goats, which is the primary justification given for the temporary dwelling.
13. There has been evidence given of sick animals needing treatment, particularly goats at the farm. Whilst I acknowledge that it would be beneficial to be on site

if such incidents occur, there is no substantive evidence provided of how frequently such issues arise, with it suggested at the Hearing that the appellant's gained experience has reduced such incidents significantly. This would have been achieved without having someone live at the site.

Furthermore, there could be other methods of observing remotely for such incidents which do not appear to be fully explored.

14. The appellant states that he lives about two miles from the farm, in a rented cottage. This is not a long distance and the drive between the cottage and site would take no significant amount of time. As a rental cottage, their occupancy is not fully secure, but they have been there for a number of years and there is no evidence that they would have to move out any time soon.
15. On this matter, the larger settlement of Wiveliscombe and other smaller settlements are within relatively close proximity to the site, where there is the potential of other properties that the appellant and his partner could live in. I recognise that there may be restrictions on pets in some other rental properties, which could also be expensive, but currently there is no need for the appellant to move properties or suggestion that this may occur in the near future.
16. The distance and frequent trips by private vehicle to and from the site would add some traffic to the road network and some pollution. However, the number of trips stated by the appellant would not be a substantial amount and would be over a relatively short distance. There is no detailed evidence that this would lead to significant levels of pollution. Furthermore, moving to the site away from a settlement could also lead to trips being necessary over longer distances to other shops and services needed, which would also have some pollution impact, albeit probably slight.
17. The temporary dwelling would not be a long distance from Maundown, but this appears to be a small village with few shops and services. The temporary dwelling would also be clearly physically separate from this village.
18. The appellant has outlined the investment of time and money into the farm, which is important to their livelihood. However, this has been achieved so far without living at the site and there is no sufficient evidence before me to demonstrate that a dwelling is needed to significantly improve the farm's potential as a business.
19. Both the Framework and policy H1b state that a dwelling would only be appropriate if the need was essential. Whilst I understand the convenience of living at the site, I am not satisfied that there is an essential need for a rural worker to live on site. Furthermore, any functional need can be addressed by existing accommodation in the local area, as is currently the case. The proposal is therefore contrary to policy H1b of the Taunton Dean Site Allocations and Development Management Plan 2016. This policy, amongst other things, supports temporary rural worker dwellings where a functional need can be demonstrated and that any need cannot be fulfilled by another existing dwelling in the local area.
20. Furthermore, in this regard, the proposal does not meet with the Framework requirements as there is not an essential need for a rural worker at this location to live permanently on site in this rural location.

Other Matters

21. The appellant has stated the length of time taken for a decision by the Council on the planning application. I have had regard to the appellants' concerns regarding communication from the Council and the time taken for determination with the planning application process, but that does not affect my assessment of the planning merits of the scheme before me.

Conclusion

22. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

S. Rennie

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Martin Ahern

Appellant

FOR THE COUNCIL:

Mr Ben Gilpin

Planning Contractor

Ms E Ford

Planning Officer

INTERESTED PARTIES:

None Present

DOCUMENTS SUBMITTED WITH THE HEARING

- Copy of Der Bauernhof 'blog' website pages (www.derbauernhof.co.uk)
- 2 x photographs of hydroponics

Site: Chilcombe House, 30 Trendle Lane, Bicknoller, Taunton, TA4 4EG

Proposal: Outline application for the erection of one detached dwelling and double garage with all matters reserved except for access

Application number: APP/H3320/W/19/3224392

Reason for refusal: Appeal Dismissed

503301



The Planning Inspectorate

Appeal Decision

Site visit made on 23 July 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2019

Appeal Ref: APP/H3320/W/19/3224392

Chilcombe House, 30 Trendle Lane, Bicknoller TA4 4EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Bridgland against the decision of Somerset West and Taunton Council.
 - The application Ref 3/01/18/009, dated 19 July 2018, was refused by notice dated 30 November 2018.
 - The development proposed is for the formation of access and erection of one detached dwellinghouse and double garage.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. On 1 April 2019, West Somerset District Council merged with Taunton Deane Borough Council to become a Unitary Authority, Somerset West and Taunton Council. Until such time as they are revoked or replaced, the development plans for the merged local planning authorities remain in place for the area within the unitary authority which they relate to. It is therefore necessary to determine this appeal with reference to the plans produced by the now dissolved district council.
3. The appeal is made in outline with all matters except access reserved for future consideration. I have therefore considered the appeal on this basis and assessed the drawings as merely illustrative insofar as they relate to the reserved matters.
4. The appellants submitted an amended plan with the appeal, showing amongst other aspects a revised location for the vehicular access and visibility splays. In

considering whether to accept the amended details, I have had regard to the 'Wheatcroft Principles', including in relation to whether the changes materially alter the nature of an application and whether the amendments indicate that it is in substance different from that for which the application was made. I am also mindful that accepting amendments at appeal stage could potentially deprive parties of the opportunity to comment on the amendments and therefore prejudice their interests.

5. The appellants assert that the changes shown in the amended plan are not materially different to that which was originally applied for, that the repositioning of the access should be allowed as it does not materially alter the nature of the application or cause prejudice to the adjoining property, and that any interested party has had the opportunity to comment on the amendments because the plan was amended before the appeal was submitted. The appellants also informally consulted the Highway Authority. Be that as it may, this appeal relates to the appeal proposal originally determined by the Council, and I cannot be certain that accepting amendments at appeal stage would not deprive parties of the opportunity to comment on the amendments. Taking the amended plans into account could therefore prejudice other parties' interests. I note that a neighbour has also raised concerns about both the submission of the amended plan and about the substance of the amendments.
6. Responding to the appellants' informal consultation on their intended amendments, the Highway Authority indicated that they would be unlikely to object in principle based on the information received. However, the Highway Authority's response to the appellants clearly stated that their advice was informal, their formal comments would need to go through the official planning process and their advice can either be acceptable to or rejected by the local planning authority. Furthermore, I do not know exactly what details the Highway Authority have seen and although the Council have not objected to the amended plan during the course of the appeal, neither have they indicated their explicit support or agreement of it. The submitted landscape and arboriculture assessments may also not sufficiently reflect the amended development and could therefore need to be revised in order to ensure an accurate assessment of the effects of the amended development.
7. The Planning Inspectorate's Procedural Guide (Planning Appeals – England, 2018) sets out that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. Consequently, and for the above reasons, I have determined the appeal on the basis of the proposal determined by the Council and have not taken into account the amended plan.
8. The National Planning Policy Framework (the Framework) was revised in February 2019. However, as the Framework's policies that are most relevant to this appeal have not materially changed, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issue

9. The main issue is the effect on the character and appearance of the surrounding area and the Quantock Hills Area of Outstanding Natural Beauty.

Reasons

10. The appeal site is located within the western part of the Quantock Area of Outstanding Natural Beauty (AONB). Forming part of a residential garden containing various trees and soft landscaping, the site is located between two detached dwellings and bounded by Trendle Lane and Chilcombe Lane. Both roads are relatively narrow and have large banks and well established hedgerows with some trees. Bounding and screening the site, the hedges are a common, prominent landscape feature of the locality and contribute positively to the character and appearance of the surrounding area and the landscape and scenic beauty of the AONB. Bicknoller is relatively built up with numerous houses and driveways which mostly lead onto Trendle Lane. However, the area surrounding the site is less developed, involves greater spacing between built form and has an increasingly rural character and less developed appearance, with mature hedgerows predominating. I observed on my site visit that there are also relatively few access ways through hedgerows in the vicinity of the site, particularly in the case of Chilcombe Lane.
11. The appeal proposal would introduce a new detached dwelling and garage in between Chilcombe House and Beacon Hill House. A new pedestrian access onto Trendle Lane and a wider vehicular access with associated visibility splays onto Chilcombe Lane would also be created. This would involve some loss of existing established hedgerows on both Lanes and some trees and soft landscaping within the site. However, a replacement stone wall and landscaping planting involving native species would be provided behind the visibility splays either side of the vehicular access, and landscaping and replacement trees within the site would also be provided
12. As layout, scale, landscaping and appearance are reserved matters, only limited details are available at this time. However, it is clear that the main body of the site and the dwelling and garage would remain relatively well screened by existing and replacement planting, and the pedestrian access would be relatively narrow. The new dwelling, garage and pedestrian access would therefore not be particularly noticeable except from close by and in glimpsed views. Their effect on the character and appearance of the surrounding area would therefore be limited. Situated between existing built form and within a reasonable sized plot providing some space to adjoining buildings, a new dwelling and garage on the site would also not appear particularly out of place in relation to the surrounding development pattern. Full details as to appearance, layout, scale and landscaping matters would also be covered at reserved matters stage.
13. However, the evidence before me indicates that the change on Chilcombe Lane would be significant, with a relatively long section of mature, prominent hedgerow being removed and the replacement hedge being set-back within the site to provide sufficient visibility for vehicular access. This set-back would create a noticeably wider section of highway along the site frontage on Chilcombe Lane. This would appear significant in the context of the narrow Lane. The set-back replacement hedge would also combine with the visibility splays at Beacon Hill

House. This would result in a considerable stretch of uncharacteristically set-back hedgerow and wider Lane, and would create a more open, artificial environment which would appear as an incongruous feature that would harm the character of the surrounding area.

14. The area is relatively quiet and may not include significant numbers of vehicles and people passing by or near the site or using the nearby footpath. Due to the high hedges, numerous trees and soft landscaping, the site is also well screened. Be that as it may, the submitted landscape statement indicates that the site's highway frontages are visible from the surrounding area, and I observed on my site visit that this is particularly so for some distance in both directions on Chilcombe Lane. The mature hedgerow running along the site is a prominent feature which forms part of the surrounding narrow, hedge-lined Lane and its loss and replacement with a set-back hedge would therefore be conspicuous. Although the Council's landscape officer supported a landscaping condition securing the replacement hedge and tree planting amongst other aspects, I find that that and the other suggested conditions would not sufficiently mitigate the harm.
15. It has been put to me that hedgerows bordering the site are not protected and could be removed at any time, and there would be a benefit in that the replacement hedge could be protected by a landscaping condition requiring its retention. Be that as it may, I have little substantive evidence that the existing hedges would be removed irrespective of the development. I also observed on my visit that they provide the site with significant screening and privacy. It seems to me that hedge removal is therefore unlikely given the site's domestic garden use. I therefore do not consider this scenario to be particularly likely and consequently attach limited weight to it and the cited benefit.
16. I recognise that the Quantock Hills AONB Service did not object to the application and did not state that the development would be detrimental. However, their comments raise concerns about the effect of the development on the special qualities of the Quantock Hills, including in relation to the proposed access arrangements. The Quantock Hills AONB Service also refer to the aims and objectives of the AONB Management Plan (2014-2019), which include, amongst other aspects, conserving Quantock hedges and associated banks and supporting the protection of local distinctiveness in AONB settlements and Quantock lanes and roads. For the reasons above, I find that the development would not be consistent with these aims and objectives. The submitted landscape assessment also sets out that the management plan details, amongst other aspects, that the 'Quantock Hills AONB is visually very vulnerable...and the more intimate landscape of the lower slopes...the irregular hedged fields and small stone-built hamlets and villages, can be stripped of its special character by inappropriate development and the cumulative effect of insensitive changes over time'.
17. AONBs have the highest status of protection in relation to landscape and scenic beauty and great weight is to be afforded to conserving these aspects. I attach significant weight to this. I am also mindful of the duty under section 85 of the Countryside and Rights of Way Act 2000 for regard to be had to the purpose of conserving and enhancing the natural beauty of the AONB.
18. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area and the Quantock Hills AONB. I therefore find that it conflicts with Policy NH14 of the West Somerset Local Plan to 2032 (2016) (WSLP) and Policy TW/2 of the West Somerset District Local Plan

(2006) (WSDLP). Amongst other aspects, these require proposals to conserve or enhance the natural beauty of the AONB and seek the retention and protection of existing hedgerows and hedgerow trees which are of value to the area's landscape. The reference to 'an allowance' in WSDLP Policy TW/2 does not lead me to a different conclusion. The proposal would also be inconsistent with the provisions in the Framework in relation to achieving well-designed places and conserving and enhancing the natural environment.

Other matters

19. It has been put to me that the recent planning permission for Beacon Hill House is a material consideration and that the professional opinion of expert officers for that scheme is of considerable evidential weight. Although I note the AONB Service's comments for that scheme provided in the appellants' appeal statement, I do not have the full details of how that scheme came about. I am therefore unable to draw a direct comparison between it and this appeal proposal. Consequently, I give it limited weight and it is in any event necessary to determine this appeal on its merits.
20. Access is not a reserved matter and I note that visibility splays would be provided and that the highway authority has not objected. However, the evidence before me indicates that the visibility splay to the east, as shown on plan 2188A-PL-03 Rev A, cannot necessarily be maintained given its overlap with a section of hedge on the adjoining property. This therefore indicates that the development may not provide sufficient visibility for vehicles leaving the site. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.
21. The appellants assert that the development would comply with various development plan policies including, amongst others, WSLP Policy SC1. Although the Council alleges conflict with this policy in its appeal statement, it does not substantiate the alleged conflict and that policy is not listed in the reason for refusal. From the evidence before me, I am satisfied that the proposal is not contrary to WSLP Policy SC1. The development may also accord with other development plan policies, would contribute to meeting housing needs, and the Council raised no concerns in relation to impacts on wildlife and biodiversity. Be that as it may, these matters do not indicate that the development is acceptable, provide justification for development that conflicts with the development plan or outweigh the harm I have identified and the great weight given to conserving and enhancing landscape and scenic beauty of the AONB. Given the development's harm, the proposal does also not adequately address the environmental aspect of sustainable development as set out in paragraph 8 of the Framework. It does not therefore constitute sustainable development.

Conclusion

22. For the above reasons, the appeal is dismissed.

Tobias Gethin

INSPECTOR

