

Public Agenda Pack



Notice of Meeting of

PLANNING COMMITTEE - EAST

Tuesday, 9 January 2024 at 2.00 pm

Council Chamber - Mendip

To: The members of the Planning Committee - East

Chair: Councillor Nick Cottle
Vice-chair: Councillor Edric Hobbs

Councillor Adam Boyden
Councillor Dawn Denton
Councillor Susannah Hart
Councillor Helen Kay
Councillor Tony Robbins
Councillor Alex Wiltshire

Councillor Barry Clarke
Councillor Martin Dimery
Councillor Bente Height
Councillor Martin Lovell
Councillor Claire Sully

For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services democraticserviceseast@somerset.gov.uk.

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: democraticservicesteam@somerset.gov.uk by **12noon on Friday, 5 January 2024**.

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

The meeting will be webcast and an audio recording made.

Issued by (the Proper Officer) on Thursday 21 December 2023.

AGENDA

Planning Committee - East - 2.00 pm Tuesday, 9 January 2024

Public Guidance Notes for Planning Committees (Agenda Annexe)
(Pages 7 - 10)

Councillor Reminder for Declaring Interests (Agenda Annexe) (Pages 11 - 14)

Click here to join the online meeting (Pages 15 - 16)

1 Apologies for Absence

To receive any apologies for absence and notification of substitutions.

2 Minutes from the Previous Meeting (Pages 17 - 40)

To approve the minutes from the previous meeting held on 5 December 2023.

3 Declarations of Interest

To receive and note any declarations of interests in respect of any matters included on the agenda for consideration at this meeting.

(The other registrable interests of Councillors of Somerset Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes: [City, Town & Parish Twin Hatters - Somerset Councillors 2023](#))

4 Public Question Time

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 submitted any questions or statements, please note, a three minute time limit applies to each speaker.

Requests to speak at the meeting at Public Question Time must be made to the Monitoring Officer in writing or by email to democraticservicesteam@somerset.gov.uk by 5pm on Tuesday 2 January 2024.

5 Planning Application 2023/1759/FUL Sundance 23 Old Wells Road Shepton Mallet Somerset BA4 5XN (Pages 41 - 52)

To consider an application for the change of use of part of land to a dog training area with associated parking.

6 Planning Application 2021/2525/FUL Greenhill Barton Road Butleigh Glastonbury Somerset (Pages 53 - 66)

To consider an application for a change of use of agricultural land to holiday let and erection holiday let unit, yurts, kitchen and shower unit (Retention of works partially completed).

7 Planning Application 2021/2280/FUL Billingsley Bath Road Oakhill Radstock Somerset (Pages 67 - 78)

To consider an application for the erection of a detached holiday let.

8 Planning Application 2023/1779/FUL Land At Burcott House Farm Pennybatch Lane Burcott Wells Somerset (Pages 79 - 94)

To consider an application for the change of use of Land from Agricultural to Residential Use Class C3 and the erection of 1no. dwelling and associated works.

9 Planning Application 2023/0987/OUT Sourdown Farm Sub Road Butleigh Glastonbury Somerset (Pages 95 - 106)

To consider an application for Outline Planning Permission with all matters reserved for a 1no. replacement dwelling.

10 Planning Application 2023/1036/FUL Land North Of Wallbridge Gardens Frome Somerset (Pages 107 - 116)

To consider an application for the erection of 1no. dwellinghouse.

11 Planning Application 2023/1184/FUL Bridge Farm West Lane To Millford Lane Alhampton Shepton Mallet Somerset (Pages 117 - 132)

To consider an application for existing agricultural barns on site to be demolished and replaced with 4 no. dwellinghouses.

12 Appeals Report (Pages 133 - 160)

To receive a report updating the committee on Appeal Decisions between 17 November 2023 to 19th December 2023.

Other Information:

Exclusion of the Press and Public for any discussion regarding exempt information

The Press and Public will be excluded from the meeting when a report or appendix on this agenda has been classed as confidential, or if the Committee wish to receive confidential legal advice at the meeting. If the Planning Committee wish to discuss information in Closed Session then the Committee will asked to agree the following resolution to exclude the press and public:

Exclusion of the Press and Public

To consider passing a resolution having been duly proposed and seconded under Schedule 12A of the Local Government Act 1972 to exclude the press and public from the meeting, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972:

Reason: Para 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

(Or for any other reason as stated in the agenda)

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Public Guidance Notes for Planning Committees

Can I speak at the Planning Committee?

The Applicant or Agent, Parish, Town or City Council, Division Members and objectors or supporters are able to address the Planning Committee. **All speakers need to register – please see details on the next page.**

The order of speaking will be:-

- Those speaking to object to the proposal - maximum of 5 speakers of 3 minutes each
- Those speaking in support of the proposal - maximum of 5 speakers of 3 minutes each
- Parish, Town or City Council(s) - 3 minutes each
- Councillors of Somerset Council (non-Committee members) - 3 minutes each
- The applicant or their agent - 3 minutes

Public speaking will be timed and the Chair will be responsible for bringing the speech to a close. The speaker/s will be allowed to address the Committee during their registered slot only and will not be allowed to provide further clarification. If an item on the Agenda is contentious, with a large number of people attending the meeting, a representative speaking to object or support the proposal should be nominated to present the views of a group.

The Chair can exercise their discretion in consultation with the Legal Adviser and this maybe, for example, it maybe that comments are derogatory in which case the Chair will exercise discretion to prevent the speaker from continuing, or if balance was required in terms of speakers for and against or to make a specific point, to allow a further speaker.

Comments should be limited to relevant planning issues. There are limits to the range of issues that can be taken into account when considering planning applications.

Although not an exhaustive list, these might include:

- Government planning policy and guidance
- Planning legislation
- The suitability of the site for development
- Conflict with any planning policies such as the relevant Development Plan – which are available for inspection on the Council's website
- Adopted Neighbourhood Plans
- Supplementary Planning Documents (SPD)

- Previous planning applications and decisions
- Design, appearance, layout issues and relationship with the surrounding area.
- Living conditions such as privacy, noise and odour.
- Highway safety and traffic issues
- Biodiversity and ecology
- Impact on trees and the landscape
- Flood risk in identified areas at risk.
- Heritage assets such as listed buildings, conservation areas and archaeology
- The economy, including job creation/retention.
- Drainage and surface water run-off.

Issues that are not usually relevant will vary with each application, but the courts have established that the following matters cannot be taken into account when considering planning applications:

- The history or character of an applicant
- Perceived or actual impact of development on property values.
- Land ownership, restrictive covenants or other private property rights including boundary and access disputes or maintenance.
- An applicant's motivations or future intentions.
- Retrospective nature of applications;
- Impact on private views;
- The extent of public support or opposition for a proposal alone;
- Competition between businesses;
- Matters controlled by other (non-planning) legislation such as licensing and building regulations or other laws.

How do I register to speak at Planning Committee?

A request to speak must be made to the Council's Democratic Services team no later than 12 noon on the working day before the Committee meeting by email to democraticserviceseast@somerset.gov.uk . For those speaking to object or support the proposal, the speaking slots will be allocated on a first come first served basis. If there are numerous members of the public wishing to speak in one slot it is advisable to make arrangements for one person to make a statement on behalf of all. The meetings are hybrid and you can speak either in person at the meeting or virtually. If you wish to speak at the meeting virtually please inform Democratic Services so that they can advise you of the details. If you have registered to speak, the Chairman will invite you to speak at the appropriate time during the meeting.

Can I present information to the Committee?

Please be advised that you cannot present documents in any form to the Committee Members at the meeting – this includes photographs and presentations (including Powerpoint presentations).

How do I know what time an application will be heard?

If you have registered to speak in person, we recommend arriving at the meeting venue about 15 minutes before the start time. If joining virtually, please consider joining the meeting a few minutes early to ensure your technology is working correctly - you may have to wait in a lobby until being admitted to the meeting. It is not possible to estimate the exact time an application will be heard.

What if my Division Member does not sit on the Planning Committee?

If your local Councillor is not a member of the Planning Committee, he or she can still address the meeting to outline any concerns or points of support. However, they will not be permitted to take part in the main debate, to make or second a proposal or to vote on any item.

Presentation of planning applications

The Planning Officer will present the case to the Committee explaining the factual matters and any salient points which need to be drawn out with the use of a visual presentation. It is important to note that the Planning Officer is not an advocate for either the applicant or any third parties but will make an impartial recommendation based on the merits of the proposal and any relevant material considerations.

The role of Officers during the debate of an application

When an application is considered at Planning Committee, it is the Officers' role to explain why they have concluded that permission should be approved or refused and answer any questions that Members may have. Whilst the Committee has to reach its own decision bearing in mind the Officer advice, report and recommendation, the Lead Planning Officer and Council Solicitor in particular have a professional obligation to ensure that a lawful and unambiguous decision is made in accordance with the Council's Development Plan, planning legislation, regulations and case law. This means, in the event that a contrary decision is sought, they will need to explain the implications of doing so. This can sometimes mean that Officers need to advise and guide Members as to planning policy, what are or are not material considerations, what

legally can or cannot be considered or given weight and the likely outcome of any subsequent appeal or judicial review.

Officers' views, opinions and recommendations may, on occasion, be at odds with the views, opinions or decisions of the Members and there should always be scope for Members to express a different view from Officers. However, any decision by the Committee must be based on proper planning reasons as part of the overall aim to ensure that a lawful and unambiguous decision is made. Where this is contrary to that recommended within the Officer report, the Lead Planning Officer and Council Lawyer will advise Members in making that decision.

Recording of the Meeting

Please note that this meeting will be recorded, and the recording will be made available on the Council's website and/or on YouTube. 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 taking part in the Council meeting during public participation you are consenting to being recorded and to the use of the sound recording for access via the website or for training purposes.

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public – providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings, No filming or recording may take place when the press and public are excluded for that part of the meeting.



Councillor reminder for declaring interests

The [Members' Code of Conduct](#) deals with declaration of interests and participation at meetings.

Non participation in case of Disclosable Pecuniary Interest

Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests*, you **must** disclose the interest, **must not** participate in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest,' you do not have to disclose the nature of the interest, just that you have an interest. A dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

Disclosure of Other Registerable Interests

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests**, you **must** disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise **must not** take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

If your Other Registrable Interest relates to -

- (1) an unpaid directorship on a company owned by your authority or
- (2) another local authority of which you are a member,

subject to your declaring that interest, you are able to take part in any discussion and vote on the matter.

Disclosure of Non-Registerable Interests 'directly relating' to financial interest or well-being

Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you **must** disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you **must not**

take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests 'affecting' financial interests or well-being

Where a matter arises at a meeting which affects –

- a) your own financial interest or well-being;
- b) a financial interest or well-being of a relative or close associate; or
- c) a financial interest or wellbeing of a body included under Other Registrable Interests

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the division affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

you may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you **must not** take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosable Pecuniary Interests*

1. **Employment:** any employment or office held, or trade, profession or vocation carried on, by you or your partner for profit or gain.
2. **Sponsorship:** any payment or financial benefit towards your election expenses or expenses as a member received within the last 12 months, excluding any from your council.
3. **Contracts:** any current contract between your council and you, or your partner, or any body in which you or your partner are a partner, director, or shareholder.
4. **Land:** any land which is in your Council's area which you or your partner own, have a right to occupy, or receive the income from (excluding a licence to occupy land for less than a month).

5. **Corporate tenancies:** any tenancy between your council and a body in which you or your partner are a partner, director, or shareholder.
6. **Securities:** any beneficial interest in any shares or other securities of any description in a body held by you or your or your partner if the body has a place of business or land in your council's area, and: the total value of the securities held is over £25,000, or you or your partner hold more than one hundredth of the total issued share capital of the body, or if the body has more than one class of shares you or your partner hold more one hundredth of the issued share capital of that class.

Other Registerable Interests**

**a) any unpaid directorships b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any body exercising functions of a public nature directed to charitable purposes or one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union, of which you are a member or in a position of general control or management.

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This is the on-line invite to join the Planning Committee East meeting on Tuesday 09 January 2024 at 2.00pm. Please note this is an in-person meeting in the Council Chamber, Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT.

Microsoft Teams meeting

Join on your computer, mobile app or room device

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Minutes of a Meeting of the Planning Committee - East held in the Council Chamber, Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT, on Tuesday, 5 December 2023 at 2.00 pm

Present:

Cllr Nick Cottle (Chair)
Cllr Edric Hobbs (Vice-Chair)

Cllr Adam Boyden
Cllr Dawn Denton
Cllr Bente Height
Cllr Martin Lovell

Cllr Barry Clarke
Cllr Martin Dimery
Cllr Helen Kay
Cllr Claire Sully

82 Apologies for Absence - Agenda Item 1

Apologies for absence were received from Councillors Wiltshire, Hart and Robbins. Councillor Ham substituted for Councillor Hart.

83 Minutes from the Previous Meeting - Agenda Item 2

The Committee was asked to consider the Minutes of the meeting held on 7 November 2023.

Councillor Martin Lovell proposed and Councillor Edric Hobbs seconded that they be accepted. These Minutes were taken as a true and accurate record and were approved.

84 Declarations of Interest - Agenda Item 3

Councillor Barry Clarke declared a non-registerable interest in applications 2022/1981/FUL & 2022/1982/LBC as he was the agent for the applications. He advised he would not take part in the debate and would leave the Chamber during those discussions.

85 Public Question Time - Agenda Item 4

There were none.

86 Planning Application 2019/1381/OTS Land South of 17, Elm Close, Wells, Somerset - Agenda Item 5

Application for outline planning permission with some matters reserved for the erection of up to 100 dwellings with public open space with only details of access considered.

The Officer's Report stated that this application had been referred to the Committee as it required approval of the proposals for phosphate mitigation. Other than phosphate mitigation, there were no changes in the development proposed. Conditions and obligations had been reviewed to ensure they remained suitable. Updated ecology information had been submitted and considered, to ensure a decision was made on the current site situation.

The Report continued that re-consultation had been undertaken with consultees as necessary to confirm the recommendation, conditions and obligations remained suitable. All other consultation comments remained relevant and were considered in the assessment.

St Cuthbert Out Parish Council had made a number of comments on the application including the following:

- Contributions towards the 67 bus route are no longer required.
- Agree that bus stop enhancements would be necessary in the local area as an alternative.
- Request that the developer takes on delivery and installation.
- Request a second bus stop be installed on the north side to facilitate Wells-bound traffic. Options to be explored.

Somerset Ecology had no objections and due to the lapse in time, an updated Ecological Appraisal was submitted in April 2023. Natural England stated that based on the information provided, the proposed mitigation strategy was acceptable.

There had been 1 further letter of objection from local residents since the previous Planning Board decision. Objections included insufficient social housing, insufficient infrastructure, services and facilities and water pollution.

The Officer's Report advised that the overall thrust of Government Policy as set out

in the updated National Planning Policy Framework (NPPF) was to encourage the delivery of sustainable development and required Local Authorities to significantly boost the supply of housing. The application reflected the emerging policy framework which covered the period 2006-2029. The application scheme offered a proposal which would provide 100 residential units, including the provision of affordable housing to respond to current policy requirements. In addition, the proposed means of access to serve the development was considered acceptable.

The Officer's Report continued that the assessment of the application had not identified any other adverse impacts that would arise and the application scheme was considered acceptable including in relation to the landscape impacts; amenity of neighbouring residents and the locality generally; public safety of the surrounding highway network; ecological and environmental impact.

In summary, the Planning Officer recommended that that planning permission be granted, as a departure from the development plan and the recommendation was to delegate permission subject to completion of a Section 106 agreement.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

The Committee was then addressed by a representative of St Cuthbert Out Parish Council. He spoke about an extension to the cemetery and that this could not be covered under an S106 agreement. He suggested that one hectare of land be provided to preserve the green gap between Haybridge and Wells and to allow for future community facilities. He raised concerns that the S106 agreement had not yet been finalised. He requested that the application was not approved until the City and Parish Councils had been able to review the terms of the S106 agreement.

The next speaker was a representative of the applicant who made the following points:

- Only the phosphate mitigation needed to be approved as the application had already been approved in January 2020.
- 40 of the 100 houses would be affordable housing.
- There would be open space on site including a children's play area, additional tree and hedgerow planting and ecological habitat provision.
- An extension to the adjacent cemetery would be provided for.
- Homes would be highly efficient.
- There would be over £700k for expansion of local school provision and £24k for the Strawberry Line Society.
- They would commit to providing offsite highway improvements and additional bus shelters.

Prior to the Member discussion, it was noted that as Councillor Helen Kay arrived during the course of the presentation, she would be able to participate in the discussion but not vote. Members made a number of comments including the following:

- Even though it was an outline planning application there were many conditions attached. Concern that these could change between now and the reserved matters application.
- Who would agree the details of the S106 agreement?
- Why was it not possible to secure a community hall?
- Could conditions be attached for solar panels or porous paving materials?

In response to the comments made, Planning Officers advised the following:

- The controls over the delivery of the cemetery extension would be in the S106 legal agreement which would set out the time constraints.
- The heads of terms for the S106 agreement were set out in the Officer's report and from a process point of view Members and/or the Parish Council would be able to review the terms of the drafting of the legal agreement to reflect the agreed heads of terms prior to the agreement being finalised.
- Conditioning the provision of a community hall would need to meet the test for planning obligations and it was not considered reasonable to put forward an obligation for a community hall.
- Conditions for Ecological requirements were stipulated in Condition 23 which were added since the last application had been approved.

At the conclusion of the debate, it was proposed by Councillor Adam Boyden and seconded by Councillor Dawn Denton to approve the application in accordance with the Officer's recommendation.

On being put to the vote the proposal was carried unanimously.

RESOLVED

That planning application 2019/1381/OTS for outline planning permission with some matters reserved for the erection of up to 100 dwellings with public open space with only details of access considered at Land South of 17, Elm Close, Wells be **APPROVED** in accordance with the Officer's recommendation.

Voting – Unanimous in favour

87 Planning Application 2023/0937/HSE Little Pomeroy, Church Farm Lane, Farleigh Hungerford, Somerset - Agenda Item 6

Application for the construction of a double garage.

The Officer's Report stated that this application had been referred to the Committee as the recommendation of the Planning Officer was contrary to the views of both the Parish Council and Divisional Member. The Chair had therefore requested that the application be brought to the Committee.

The Report continued that Little Pomeroy sat in the outer fringes of Farleigh Hungerford and had an open, rural character. It was situated within the green belt.

The application sought consent for the demolition of an existing outbuilding and the construction a large carport building to the east of the existing driveway near the main site entrance. The existing outbuilding had a footprint measuring 3 x 4 metres whilst the proposed car port is 5 x 6 metres and would stand 4 metres high.

Norton St Philip Parish Council and the Division Member supported the proposal on the basis that the proposed development would be a significant improvement to the green belt including its openness, with the benefits outweighing any harm.

There had not been any comments received from local residents or from any of the statutory or other consultees.

In summary, the Planning Officer concluded that the proposed double car port building was considered to be materially larger than the building which it would replace and was therefore inappropriate development in the green belt. Very special circumstances were needed to outweigh the general presumption against inappropriate forms of development in the green belt and this had not been demonstrated. As such the proposal was recommended for refusal.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

The Committee was then addressed by a representative from Norton St Philip Parish Council. His comments included:

- The Parish Council supported the application.
- There were only 4 dwellings on the lane which was a narrow, single track, no through road with high hedges.
- The proposal would improve the appearance of the green belt rather than harm it, as vehicles previously parked in view would be in an enclosed carport nearer to the house.

- There have not been any objections from neighbours on the lane.

The next speaker was the applicant's agent who made the following points:

- The application should be considered appropriate for a green belt.
- The existing parked cars did adversely affect the appearance of the green belt.
- The existing building which is currently visible and set away from the main house would be removed so the visual impact would be improved and would reduce the sense of built form.
- The new carport would be timber clad and reclaimed tiles would be used to match the roof of the dwelling.

The Legal Adviser said that for applications within a green belt, it was important for Members to note that they would not be applying the usual planning balance. The NPPF said inappropriate development within Green Belt was harmful and should not be approved. There were some exceptions such as the replacement of a building, but the new building must not be materially larger than one being removed. If so it would automatically be deemed harmful to the greenbelt. If Members chose to grant permission, this should only be done if there were "very special circumstances" and the harm to Green Belt was clearly outweighed by other factors

In the discussion which followed, Members made a number of comments including the following:

- The replacement building within the garden of a property in a green belt did not appear to be harmful development.
- It would be less intrusive and would mean less parked cars in the lane.
- Recognised the building would be larger, but not substantially and would be in materials more sympathetic to the green belt.

At the conclusion of the debate, it was proposed by Councillor Martin Dimmery and seconded by Councillor Helen Kay to approve the application contrary to the Officer's recommendation as there were very special circumstances such as the enhancement of the green belt by the removal of an unsightly building situated away from the main dwelling and the removal of parked cars on the lane.

On being put to the vote the proposal was carried with 9 votes in favour and 2 votes against.

RESOLVED

That planning application 2023/0937/HSE for the construction of a double garage at Little Pomeroy, Church Farm Lane, Farleigh Hungerford be **APPROVED** contrary

to the Officer's recommendation as it was considered that there were very special circumstances which clearly outweighed the harm to the Green Belt by reason of inappropriateness. The very special circumstances were recognised as an enhancement to appearance of the Green Belt by the removal of unsightly outhouses and relocating the car port closer to the dwelling. That Planning Officers be given delegated authority to impose conditions in consultation with the Chair and Vice-Chair.

Voting – 9 in favour, 2 against

88 Planning Application 2023_1213_FUL Flat 4, Tipcote House, Tipcote Lane, Shepton Mallet, Somerset - Agenda Item 7

Application for the replacement of three rotten timber casement windows.

The Officer's Report stated that this application had been referred to the Committee as the agent was a Councillor.

The application sought consent for the replacement of two windows on the north elevation of the building and the one on the south elevation as the existing modern windows were in a very poor state of repair. It was proposed that they be replaced with a more traditional style casement window with hardwood frames and would be painted in an off-white colour.

Shepton Mallet Town Council had supported the application subject to approval of the windows by the Conservation Officer. There had been no comments from local residents.

The Officer's Report continued that, in this case, it was considered that, by virtue of the design, scale, massing, position and the external materials, and having regard to the Conservation Area Assessment, no harm to the significance of the heritage asset or its setting would occur and that the proposed development would at least preserve the character and appearance of the Listed Building and the Conservation Area and its setting.

In conclusion, the Planning Officer recommended approval of the application.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

There were no speakers for this application.

In the brief discussion which followed, Members said there were no objections from

anyone to this application and that it was only at Committee for probity reasons due to the applicant being a Councillor.

It was proposed by Councillor Bente Height and seconded by Councillor Adam Boyden to approve the application in accordance with the Officer's recommendation.

On being put to the vote the proposal was carried unanimously.

RESOLVED

That planning application 2023/1213/FUL for the replacement of three rotten timber casement windows at Flat 4, Tipcote House, Tipcote Lane, Shepton Mallet be

APPROVED in accordance with the Officer's recommendation.

Voting - Unanimous in favour

89 Planning Application 2023/1214/LBC Flat 4, Tipcote House, Tipcote Lane, Shepton Mallet, Somerset - Agenda Item 8

Application for the replacement of three rotten timber casement windows.

This application was for Listed Building Consent and was presented and debated along with the previous application at Item 7 (2023/1213/FUL).

It was proposed by Councillor Bente Height and seconded by Councillor Adam Boyden to approve the application in accordance with the Officer's recommendation.

On being put to the vote the proposal was carried unanimously.

RESOLVED

That planning application 2023/1214/LBC for the replacement of three rotten timber casement windows at 4, Tipcote House, Tipcote Lane, Shepton Mallet be

APPROVED in accordance with the Officer's recommendation.

Voting - Unanimous in favour

90 Planning Application 2023/1686/FUL Critchill Farm, Critch Hill, Frome, Somerset - Agenda Item 9

Application for the siting of two timber buildings to form Father Christmas grotto.

The Officer's Report stated that this application had been referred to the Committee as the recommendation of the Planning Officer was contrary to that of the Parish Council. The Chair had therefore requested that the application be brought to the Committee.

The application sought planning permission to site two timber buildings, which would be utilised as a Father Christmas grotto. The application was a resubmission of an identical scheme which was refused in July 2023.

The site was located approximately 165 meters southwest of the Manor and was accessed via a long drive and an existing car park off Critch Hill / Frome Road which served the various activities taking place on the estate.

Selwood Parish Council supported the application for the same reasons given in the previously refused application.

There had been 1 letter of objection from a local resident for reasons including the following:

- The site was outside the development limits of Frome.
- The site could be seen from public footpath FR14/78 in both directions, especially in winter.
- The site was part of a Site of Special Scientific Interest (SSSI).

There had been 6 letters of support for reasons including the following:

- The proposed cabins will blend in well with the surroundings.
- There would not be any noise disturbance.
- The proposed use would have a smaller impact than the already approved glamping use.
- Traffic, parking and congestion would not be an issue.

The Officer's Report advised that the site, by virtue of its location, was poorly served by public transport and was not readily accessible by safe pedestrian or cyclist access. Visitors would have to rely on private car transport. It was not considered a suitable or appropriate location for the business, which, in their opinion did not require a countryside location. The application was therefore recommended for refusal.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

The Committee was then addressed by 2 supporters of the proposal. Their

comments included:

- The business encourages joint family trips to the site and it supports the existing café on site.
- Nearly half the visitors are local to the area and combined trips to the grotto with a visit to the town.
- There was excellent access and car parking.
- The site was not remote nor in open countryside.
- Desire to spread joy and happiness in these difficult times.
- The grotto had a Mrs Claus to help shy children to relax and enjoy the experience.
- Take the sustainability of the business seriously and give keepsake gifts rather than plastic ones.
- There was overwhelming support from customers, the Parish Council and existing businesses on site.

A speech from a representative of Selwood Parish Council was read out on his behalf as he was unable to join the meeting. His comments included:

- The grotto is the best in the area.
- It was very unlikely that visitors would want to walk or cycle to the attraction.
- Many bookings coincide with school pickup times so would not increase traffic.
- Urges support of the application.
- Suggested a restriction could be made on the future use of the buildings.

In the brief discussion which followed, Members commented that realistic alternatives to car use to travel to rural attractions were very limited. They felt the delay in bringing the application to the committee was regrettable and wanted to support the small business. They clarified with the Planning Officer whether a restriction on future use could be imposed but were advised that the application was purely to use the buildings as a Father Christmas grotto so it would not be appropriate to make any conditions of future use.

At the conclusion of the debate, it was proposed by Councillor Claire Sully and seconded by Councillor Philip Ham to approve the application contrary to the Officer's recommendation.

On being put to the vote the proposal was carried with 8 votes in favour 2 votes against and 1 abstention.

RESOLVED

That planning application 2023/1686/FUL for the siting of two timber buildings to form a Father Christmas grotto at Critchill Farm, Critch Hill, Frome be **APPROVED** contrary to the Officer's recommendation as the site was not considered to be an unsuitable or inappropriate location for the business and the economic benefits of the scheme outweighed the harms identified in the Officer's Report. Delegation of conditions was made to Planning Officers in consultation with the Chair and Vice-Chair.

Voting – 8 in favour, 2 against and 1 abstention.

91 Planning Application 2022/1981/FUL Former Bailys Tannery, Beckery Road, Glastonbury, Somerset - Agenda Item 10

Application for the repair and conversion of the former Baily's tannery and leather-working factory into multi-use workspaces.

The Officer's Report stated that this application had been referred to the Committee as part of the application site overlapped land which was reserved as a Gypsy and Traveller site and a range of employment uses. As the proposal conflicted with Policy GL5 and represented a departure from the existing adopted Local Plan, it was referred to the Committee.

The application formed part of the Glastonbury Town Deal and related to a site containing two derelict building complexes that were once part of the Baily's leather works, a large historic industrial complex that included a number of tanneries. They were Grade II listed and on the Council's Historic Buildings at Risk Register. A parallel listed building application (ref: 2022/1982/LBC) was also under consideration.

The application was supported by a suite of technical reports including a Design and Access Statement, Transport Statement and Travel Plan, Archaeological Impact Assessment, Contaminated Land Risk Assessment, Flood Risk Assessment, Drainage Maintenance Report and Drainage Calculations, Odour Assessment, Odour Sniff Test Report, Ecological Impact Assessment, Bat Mitigation Technical Note, External Lighting Assessment, and a Landscape and Ecological Management Plan.

As this was part of the Glastonbury Town Deal, Glastonbury Town Council had not discussed the application at their Planning Committee.

There had been 2 letters of objection and 1 neutral comment from local residents. There were no objections from any of the statutory or other consultees subject to conditions.

The Officer's Report concluded that the application met the requirements of the relevant planning policies and was recommended for approval. The proposal would make a significant contribution to the community of Glastonbury. There were clear heritage and public benefits in repairing the listed buildings and bringing them back into use. Furthermore, there were no other issues raised in this report which were not capable of being resolved through the attachment of appropriate conditions and planning obligations for a LEMP and Travel Plan to be secured in a legal agreement.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

The Chair then read out a statement from Councillor Liz Leyshon who was unable to attend the meeting in person. Her comments included:

- Advised she sat on the Glastonbury Town Deal Board.
- Restoration of the buildings as places of commercial activity and employment would be a huge step forward to improve the economic growth of Glastonbury.
- The vision to restore the buildings had been an ambition for many years.
- The adopted highway would lead directly to the entrance for the West car park and there may be parking restrictions put in place to ensure safe access.

In the discussion which followed, Members were supportive of the application and were pleased that the long-awaited restoration of the derelict buildings would be going ahead, if approved. The Chair re-iterated how important this was for Glastonbury and urged the Committee to support the application. Councillor Helen Kay said was very pleased to see the onsite generation of energy, the use of solar panels and the collection of rainwater to flush toilets and proposed to approve the application in accordance with the Officers recommendation. This was seconded by Councillor Martin Dimmery.

On being put to the vote the proposal was carried unanimously.

RESOLVED

That planning application 2022/1981/FUL for the repair and conversion of a former tannery and leather-working factory into multi-use workspaces at the former Bailys Tannery, Beckery Road, Glastonbury be **APPROVED** in accordance with the Officer's recommendation.

Voting – Unanimous in favour

92 Planning Application 2022/1982/LBC Former Bailys Tannery, Beckery Road, Glastonbury, Somerset - Agenda Item 11

Application for the repair and conversion of the former Bailys tannery and leather-working factory into multi-use workspaces.

This application was for Listed Building Consent and was discussed with the previous application at Item 10 (2022/1981/FUL).

It was proposed by Councillor Helen Kay and seconded by Councillor Martin Dimery to approve the application in accordance with the Officer's recommendation.

On being put to the vote the proposal was carried unanimously.

RESOLVED

That planning application 2022/1982/LBC for the repair and conversion of a former tannery and leather-working factory into multi-use workspaces at the former Bailys Tannery, Beckery Road, Glastonbury be **APPROVED** in accordance with the Officer's recommendation.

Voting – Unanimous in favour

93 Planning Application 2023/1390/FUL The Wrangles, Bristol Road, Green Ore, Wells, Somerset - Agenda Item 12

Application for the change of use of land to residential: extend garden, annexe, car port and alterations to main dwelling (retrospective).

The Officer's Report stated that the application had been referred to the Committee as it represented a departure from the Planning Policy as the application was for a change of use of land outside the development limits.

The Report continued that The Wrangles was a detached property set in open countryside and it was a retrospective application. The site lay within the Mendip Hills AONB now referred to as a National Landscape.

Chewton Mendip Parish Council had recommended refusal and there had been 2 objections from local residents relating to the principle of use and residential amenity.

The Officer's Report advised that the overall development to the principal dwelling was completed and proposed retrospectively by this application had been assessed against the policies of the adopted Local Plan and were considered acceptable.

Whilst the extension to the residential /garden curtilage and the delivery of the ancillary building included a change of use of land, the existing lawful use of which was an agricultural use, the scope and extent of this was limited.

Taken as a whole, the application had no unacceptable adverse impact upon the landscape, adjoining land uses, or the amenity of occupants of neighbouring properties. On this basis, the application was considered to represent a sustainable form of development and it was therefore recommended that planning permission be granted, including for the element of the proposal that represented a departure from the development plan.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

The Committee was then addressed by an objector to the application. Their comments included:

- She was speaking on behalf of a neighbour of the development site.
- The site was highly sensitive in open countryside in an AONB, which was the most protected landscape designation.
- What had been built involved 18 breaches of planning control including a larger main building, more roof lights, a separate annex with its own curtilage taken from agricultural land and a large carport.
- There has been clear abuse of the system by the applicant who has had a bold disregard for the planning system.

The next speaker was the applicant's agent who made the following points:

- The owners were keen to regularise the situation by making this application for retrospective planning permission and change of use.
- The building had been completed to a high standard.
- The outbuildings did not have a detrimental effect on the National Landscape and the expansion was in alignment with the neighbouring property.
- There was no overlooking so no loss of residential amenity to the neighbouring property.
- Appreciates some differences to what was previously approved, however, the changes were considered good practice and had not caused any harm to the National Landscape.

In the discussion which followed, Members made a number of comments including the following:

- Concerns regarding the effect of the additional rooflights on the dark skies

and National Landscape.

- Not happy that the application was for retrospective Planning Permission, particularly as it was within a National Landscape.
- Could a condition be added to restrict the use of the annexe?
- Could a condition be added to ensure the sky lights had blinds.

In response to the comments made, Planning Officers advised the following:

- Members needed to consider the planning merits of what is before them and whether the current scheme and drawings were appropriate. The fact that it was retrospective should not be a consideration.
- It was standard practice for an annexe to be listed as being for ancillary purposes and condition 6 prevented it from being occupied as a separate unit.
- The two extra sky lights were not considered to be adverse to the National Landscape.
- Unable to condition the use of blinds on the sky lights although applicants are usually happy to do so.

At the conclusion of the debate, it was proposed by Councillor Dawn Denton and seconded by Councillor Philip Ham to approve the application in accordance with the Officer's recommendation.

On being put to the vote the proposal was carried with 7 votes in favour and 3 abstentions.

RESOLVED

That planning application 2023/1390/FUL for the change of use of land to residential: extend garden, annexe, car port and alterations to main dwelling (retrospective) at The Wrangles, Bristol Road, Green Ore, Wells be **APPROVED** in accordance with the Officer's recommendation.

Voting – 7 in favour with 3 abstentions

94 Planning Application 2022/1618/FUL Duke of Cumberland Inn, Edford Hill, Holcombe, Somerset - Agenda Item 13

Application for the formation of new overflow car park with associated access and landscaping.

The Officer's Report stated that the application had been referred to the Committee as the Officer's recommendation was for refusal and differed from that of the

relevant Parish Councils.

The Report continued that whilst the Parish Council supported the scheme, this was subject to the Highway Authority supporting the application which was not the case. The Highway Authority had concluded that the proposal did not demonstrate that safe and suitable access to the site could be achieved for all users of the highway, specifically pedestrians.

The application related to a large parcel of agricultural land to the south of Holcombe off Edford Hill. The land had existing field access which was shared with pedestrians using the public right of way. The application sought full planning permission for the formation of a new overflow car park with associated new access and landscaping to serve the Duke Of Cumberland Inn located approximately 100m to the north of the site.

Both Holcombe and Stoke St. Michael Parish Councils had recommended approval subject to the Highway Authority considering additional pedestrian safety measures. In addition, Stoke St. Michael Parish Council had requested conditions to ensure that:

- The proposed planting of hedgerows and trees takes place to compensate for the loss of hedgerow at the roadside.
- Secure barriers would be installed to prevent any nuisance to nearby properties when Holcombe Farm shop was closed.
- There would be land allocated for village allotments and this was not shown on the plan.

There had been 48 letters of support and 3 letters of objection from local residents. The Highways Development Officer had objected on the grounds that the access was unsafe for vehicles and pedestrians. Other consultees had not objected subject to conditions.

The application was recommended for refusal as the impact of the proposal along with its location remote from the Duke of Cumberland Pub would have a significant impact on the character of the area and failed to demonstrate that safe and suitable access to the site could be achieved for all users of the highway. Any benefits brought by the proposal were outweighed by the harms identified.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

The Committee was then addressed by an objector to the proposal. Their comments included:

- The proposed application contravenes various planning policies.
- The development would put pedestrians in danger.
- There was a pinch point in the road and a 40mph speed limit and an incline on each side of the pub. The line of sight was limited.
- Pedestrians would have to walk on a non-paved section of road, often in darkness.

The Committee was then addressed by two supporters to the proposal. Their comments included:

- The business is a valuable community asset and serves many local villages that do not have a similar facility.
- The café and farm shop was busiest in the daytime, not evening, so pedestrians would mainly be using the car park and walking along the road during daylight hours.
- Currently people parked on the road where it narrows forcing people to walk into the road. The car park would improve pedestrian safety, not harm it.
- The business provides employment for younger people in the local area.
- The business relied on people being able to use their cars to reach it and currently safe parking was very limited. The car park would improve the situation.

The Committee was then addressed by a representative of Holcombe Parish Council. Their comments included:

- There were 3 main issues with the application – viability, road safety and aggravation between the landlord and local residents.
- The business provides much needed local employment.
- The existing car park was not large enough and proposed additional car parking was much needed as currently cars park on the road forcing pedestrians to walk into the road.
- The Parish Council had requested a reduction in speed limit, a dedicated area for drop off and deliveries and street lighting.
- Please approve with the added conditions.

The final speaker was the applicant's agent who made the following points:

- The owners had invested significantly in the business so they could continue to run the pub alongside the farm shop and café.
- The existing parking was inadequate and only had 19 spaces. When busy, the business could accommodate over 200 customers.

- Visitors were forced to park on the road.
- The proposed site of the new car park was the only land available to the applicant.
- The new pedestrian access would be 95m from the pub, and there would be a lighting and planting scheme.

In the discussion which followed, some Members felt the proposal would improve pedestrian safety but others felt it would make it more dangerous as it was a narrow stretch of road. Some of the comments included:

- The applicant had tried hard to find a solution. It was not ideal but street lights and a change of speed limit could make it safer.
- Why is the car parking site so large and what is the central area by the access driveway being used for?
- The provision of jobs for local people is very important.
- The business was thriving but lack of parking deterred people from stopping.
- People were already parking and walking on the road so provision of a car park would improve safety and not exacerbate the problem, as suggested by Highways Officer.

In response to the comments made, Officers advised the following:

- It was not known what the central area of land will be used for. There was no suggestion that there would be any change of use of this parcel of land.
- If Members were to approve the application it would infer that the Council considered that the proposed pedestrian access was safe. Currently, visitors walk on the road of their own volition. Approval would endorse an unsafe means of access.
- A change of speed limit could only happen if a separate Traffic Regulation Order was applied for. It could not be conditioned, nor could the provision of street lighting.

At the conclusion of the debate, Members decided that the site was appropriate and it would not be harmful to the character and appearance of the rural landscape. The benefits of the scheme would outweigh any harms identified in the Officers Report. It was proposed by Councillor Philip Ham and seconded by Councillor Bente Height to approve the application contrary to the Officer's recommendation.

On being put to the vote the proposal was carried with 6 votes in favour, 3 votes against and 1 abstention.

RESOLVED

That planning application 2022/1618/FUL for the formation of new overflow car park with associated access and landscaping at the Duke of Cumberland Inn, Edford Hill, Holcombe be **APPROVED** contrary to the Officer's recommendation as there would be safer parking provision and the benefits of the scheme outweighed the harms identified in the Officers Report. Delegation of conditions to be made to Planning Officers in consultation with the Chair and Vice-Chair.

Voting – 6 in favour, 3 against and 1 abstention

95 Planning Application 2023/0106/OUT Land at Foghamshire Lane, Trudoxhill, Frome, Somerset - Agenda Item 14

Application for outline planning permission with some matters reserved for the erection of 1 single storey dwelling with access, landscaping etc.

The Officer's Report stated that the application had been referred to the Committee as it represented a departure from the Local Plan Policy.

The site had boundaries with residential properties to the southeast and southwest and the village hall and children's play area to the north. The applicant had amended the scheme with the scale of development being reduced to a single storey dwelling unit which included a slight increase to the ground floor footprint.

Trudoxhill Parish Council had recommended refusal and had made a number of comments on the application including the following:

- Concerned the location of the dwelling, next to the village hall, would give rise to noise complaints, thus disrupting the vital community asset from functioning.
- The village playground would be bordered and severely overlooked.
- The parking arrangements would cause 4 cars to reverse into the lane where children play.
- The revised scheme did not alter the concerns of the Parish Council who still recommended refusal.

There had been 10 letters of objection from local residents for reasons including the following:

- Overlooking of playground
- Overshadowing of playground
- Existing activities at the village hall and playground impacting on residents of

proposed dwelling (noise)

- Existing use of the village hall and playground being prejudiced by the siting of the proposed dwelling.

There were no objections from any of the statutory or other consultees

The Officer's Report advised that the NPPF stated that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Given the lack of a five-year housing land supply this 'tilted balance' would apply.

The benefits of the proposal would include contributing a new dwelling and would have economic benefits for the duration of the construction phase and ongoing in supporting local facilities. However, the amount of weight given to these benefits was limited by the fact that the proposal would be in an unsustainable location.

Nonetheless, no demonstrable harm had been identified and taking into account the benefits (albeit limited), the Officer concluded that a recommendation for approval was justified.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

The Committee was then addressed by 3 objectors to the proposal. Their comments included:

- It would have a negative impact on the running of the village hall as the new occupiers would be able to object to licence applications.
- The safety of children in the playground was of concern.
- The felling of a native tree and flattening of an earth bank could exacerbate flood risk which is a medium to high risk.
- It was not in a sustainable location.

The Committee were then addressed by a representative from Trudoxhill Parish Council. He reiterated the comments made during the consultation process above and closed his speech by saying that the adverse impact on the neighbours and residents of the village significantly outweighed any benefits of the scheme.

In the discussion which followed, many Members agreed with the objections made by the public speakers regarding possible noise complaints from the occupiers, the danger to the safety of the children in the playground and traffic/parking issues that could occur. The Legal Advisor reminded Members that the "tilted balance" was relevant to the application and that, if they were reminded to refuse the application,

they must be satisfied that the adverse impacts of the scheme demonstrably and significantly outweighed the benefits.

At the conclusion of the debate, it was proposed by Councillor Barry Clarke and seconded by Councillor Helen Kay to refuse the application contrary to the Officer's recommendation due to the loss of amenity to the Village Hall and playground, loss of the hedgerow, the height of the proposed building and sustainability of the location.

On being put to the vote the proposal was carried with 9 votes in favour and 1 abstention.

RESOLVED

That planning application 2023/0106/OUT for outline planning permission with some matters reserved for the erection of 1 single storey dwelling with access, landscaping on land at Foghamshire Lane, Trudoxhill, Frome be **REFUSED** contrary to the Officer's recommendation as the harms of the scheme significantly and demonstrably outweighed the benefits. The harms were recognised as being conflict with the activities of the village hall and playground, the loss of ecology by the removal of hedgerow, the height of the proposed building and the unsustainability of the location.

Voting – 9 in favour, 1 abstention

96 Planning Application 2023/1226/FUL Land at Manor Farm, Church Street, Wanstrow, Shepton Mallet, Somerset - Agenda Item 15

Application for the demolition of existing agricultural buildings, removal of slurry pit, silage clamp, concrete hard standing and erection of 4no. detached dwellinghouses with associated access and agricultural access.

The Officer's Report stated that the application had been referred to the Committee as it represented a departure from the Local Plan Policy.

Wanstrow Parish Council had noted the flood risk and comments from the Highways Officer, and requested that, if approved, the perennial flooding after rainfall on the highway at the bend adjacent to the site be corrected. In response, the Highways Officer stated that following the submission of revised drawings and additional drainage details, the Highway Authority raised no objections subject to the imposition of standard highway safety conditions as suggested.

There had been 1 letter of support from a local resident and no objections from any of the statutory or other consultees, although the Environmental Protection Officer had said that due to the proximity of neighbouring residential properties, a Construction Management Plan Condition would be necessary. Contaminated Land Officers wished to remind the applicant that due to the historical farming use of the site, there should be a watching brief for potential hotspots of contamination throughout the construction process.

The Officer's Report advised that the NPPF stated that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits and given the lack of a five-year housing land supply this 'tilted balance' would apply. The benefits of the proposal would include the provision of 4 new dwellings, which would make a contribution to the housing land supply which would have economic benefits for the duration of the construction phase and thereafter for local facilities including the garage and public house.

However, the amount of weight given to these benefits was limited by the fact that the proposal would be in an unsustainable location.

Nonetheless, it would appear to be a logical small extension to the village and would be seen against the backdrop of existing houses from many vantage points. It would not appear as an incongruous 'bolt-on' or visually remote from the settlement. The scheme would be seen as an enhancement to the immediate setting both visually and in terms of amenity.

As no demonstrable harm had been identified the Officer concluded that a recommendation for approval was justified.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

The Committee was then addressed by a representative from Wanstrow Parish Council. Their comments included:

- The Parish Council recommended approval of the application.
- The small-scale 'organic' growth to the village was sensible and acceptable.
- Flooding concerns had been addressed and were acceptable.
- The number and design of the buildings would sit well in the landscape.
- They would benefit the locality and replace agricultural buildings, thus reducing heavy traffic through the conservation area.
- There were no objections from local residents.

The next speaker was the applicant's agent who made the following points:

- The existing calf unit was being relocation to a nearby facility.
- Traffic would be reduced on the highway.
- The Parish Council voted unanimously to approve the application.
- There had not been any objections from residents or statutory consultees.
- The homes would be heated with combination solar and battery boilers and underfloor heating.

In the discussion which followed, Members made a number of comments including the following:

- It would appear to be an excellent scheme and the design was sympathetic to the area.
- The gardens were a useful size.
- Would like to see a list of the proposed sustainability provisions.

At the conclusion of the debate, it was proposed by Councillor Helen Kay and seconded by Councillor Barry Clarke to approve the application in accordance with the Officer's recommendation with an additional condition for a sustainability statement to be provided in advance of the work commencing.

On being put to the vote the proposal was carried unanimously.

RESOLVED

That planning application 2023/1226/FUL for the demolition of existing agricultural buildings, removal of slurry pit, silage clamp, concrete hard standing and erection of 4no. detached dwellinghouses with associated access and agricultural access on land at Manor Farm, Church Street To Lower Lane, Wanstrow, Shepton Mallet be **APPROVED** in accordance with the Officer's recommendation with an additional condition regarding a sustainability statement from the applicant to be provided prior to the commencement of work.

Voting - Unanimous in favour

(The meeting ended at 6.00 pm)

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CHAIR

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Application Number	2023/1759/FUL
Case Officer	Carlton Langford
Site	Sundance 23 Old Wells Road Shepton Mallet Somerset BA4 5XN
Date Validated	15 September 2023
Applicant/ Organisation	G & C Jackson
Application Type	Full Application
Proposal	Change of use of part of land to a dog training area with associated parking.
Division	Shepton Mallet Division
Parish	Shepton Mallet Town Council
Recommendation	Approval
Divisional Cllrs.	Cllr Bente Height Cllr Martin Lovell

What3Words – broker.baker.ramble

Referral to Ward Member/Chair and Vice Chair:

The application has been referred to Planning Board as the agent for the applicant is employed by the Council.

Description of Site, Proposal and Constraints:

This application relates to a parcel of land to the rear of Sundance, 23 Old Wells Road Shepton Mallet. The site is agricultural land (not garden land as suggested by the applicant) as agreed under planning permission ref: 085851/002 (Section 106 attached stipulating the use of the land). There is a single access point off Old Wells Road which served the dwelling and Stables.

The site is within an area of high archaeological potential and phosphate catchment.

Relevant History:

085851/002 – Erection of house, Fuel Store and Stables – Approved August 1998.

Summary of Ward Councillor comments, Town/Parish Council comments, representations and consultee comments:

Ward Member: No response

Parish Council: Members supported this application subject to applicants implementing the recommendations from the environmental officer report.

A recommendation that the use of the space would revert back to the original use subject to the applicants vacating the property.

Planning Policy:

Highways Development Officer: Standing Advice

Ecologist: No response

Environmental Protection: The proposal has the potential to cause significant nuisance to the neighbouring residential properties, regardless of the other activities on the sports grounds. Therefore, we propose the following conditions:

1. The dog training area shall only ever be in use by a maximum of three customers and/or three dogs (not including the Applicants own dogs) at any one time.
2. The dog training area shall only be in use for a maximum of 5 days in any one week.
3. The hours of use shall be between 0900 and 2000 Monday to Saturday with no use on Sundays or Public Holidays.

Reason: To prevent excessive noise and protect the residential amenity of occupiers in accordance with Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Advisory: The applicant is reminded that compliance with the conditions attached to this consent or the legitimate use thereof, does not preclude the Council from taking action under legislation intended to protect quality of life including inter-alia; the Statutory Nuisance provisions of Part III of The Environmental Protection Act 1990, The Licensing Act 2003 and the provisions of the Antisocial Behaviour, Crime and Policing Act 2014.

Archaeologist: No objections.

Local Representations: One letter of representation has been received from a neighbouring resident raising the following issues –

The excessive daily use of the drive by clients would result in a grave loss of privacy and reduced enjoyment of our garden.

Full details of all consultation responses can be found on the Council's website

www.mendip.gov.uk

Policies/Legislation:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies (December 2021)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1 – Mendip Spatial Strategy
- CP3 – Business Development
- CP4 – Sustainable Rural Communities
- DP1 – Local Identity and distinctiveness
- DP5 – Biodiversity
- DP7 – Design and amenity
- DP8 – Environmental Protection
- DP9 – Transport
- DP10 – Parking

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- Somerset County Council Highways Development Control Standing Advice (June 2017)

Assessment of relevant issues:

Principle of the Use:

The application site is situated beyond the development limits of Shepton Mallet where development is strictly controlled but may exceptionally be permitted where the development is considered to meet with the criteria as set out within Policies CP3 and CP4 of the Local Plan in that the proposal might promote or support the rural economy.

Policy CP4 is clear that proposals will be supported which enable the establishment of business which are of a manner and of a scale which are appropriate to the location and the constraints upon it.

Having regard for the technical assessment below, it is considered that subject to the control over the frequency of use of the site for dog training, the proposal will be of a manner and of a scale which are appropriate to the location and the constraints upon it.

The proposal is therefore considered to be acceptable in principle in accordance with Policies CP1, CP3 and CP4 of the Local Plan.

Design of the Development and Impact on the Street Scene and Surrounding Area:

The proposal is to create on land to the rear of Sundance, a fenced off area for the training of dogs. This will include the need to create within the existing parking area to the front of Sundance an additional 3 parking spaces to support the proposed use (visitor/customer parking).

The erection of the fence to create the dog training area will have very little visual impact on the character or appearance of the area.

The creation of the 3 additional parking spaces will have a slight visual impact on the character and appearance of the street scene but the site is relatively well screened and only glimpsing views of the forecourt will be seen from the public realm and therefore, not so significantly harmful as to warrant the application's refusal.

The appearance, scale, mass, form and layout of the scheme will be acceptable within context and ensure the maintenance of local identity in accordance with Policies DP1 and DP7 of the LP.

Impact on Residential Amenity:

Policy DP7 of the Local Plan seek to ensure that new development protect the amenity of users of neighbouring buildings and land uses providing a satisfactory environment for

current and future uses. Policy DP8 seeks to ensure, amongst other things, that new development does not give rise to adverse noise levels where it might impact on residential amenity.

The Council's Environmental Protection Office has made it clear that the proposal has the potential to cause significant nuisance to the neighbouring residential properties, regardless of the other activities on the sports grounds adjacent to the application site.

However, it is considered that by restricting the level/scale of activity on site to 3 customers at any one time (3 dogs not including the applicant's dogs) and that the use is limited to 5 days within a week not including Sundays and/or Bank or Public Holidays (Monday to Saturday), the scheme will not have an adverse impact on the amenity of residents of neighbouring dwellings or adversely impact on any other neighbouring land uses.

The Council's Environmental Protection Officer has also advised that notwithstanding the suggested condition to control the hours of operation on site should permission be granted, the approved activities would not preclude the Council from taking action under legislation intended to protect quality of life including inter-alia; the Statutory Nuisance provisions of Part III of The Environmental Protection Act 1990, The Licensing Act 2003 and the provisions of the Antisocial Behaviour, Crime and Policing Act 2014.

Whilst it is appreciated that customers will have to walk from the parking area at the front of the dwelling along a boundary with a neighbouring resident to the training area at the rear, this will be relatively infrequent on arrival and departure only and will not result in unacceptable levels of mustering which might adversely impact on neighbouring amenity over or above that which might currently exist.

It is therefore considered that subject to the imposition of the condition as suggested by the Council's EP Officer, the proposal will protect the amenity of users of neighbouring buildings and land uses and maintain a satisfactory environment for current and future occupants in accordance with Policies DP7 and DP8 of the LP.

Assessment of Highway Issues:

The proposal is to utilise an existing access point to the dwelling and create an additional parking in the existing forecourt for customers.

The plans submitted with the application show adequate visibility at the access point sufficient within a 30mph traffic speed zone and having regard for the additional traffic generated by the proposal in accordance with Policy DP9 of the LP.

The plans also demonstrate that 3 additional off-street parking spaces or more can be accommodated on site for customers and to maintain sufficient off-street parking for the dwelling. However, no tracking diagram was submitted with the proposal to clearly demonstrate adequate on-site turning should all parking spaces be occupied. It is however, considered that suitable on-site turning could be achieved within the confines of the existing forecourt, and it is recommended that notwithstanding the details submitted, a clear parking and turning plan be submitted to the council for approval and provided before the proposed use is commended.

Notwithstanding, the approval of a workable on-site parking and tuning plan to ensure vehicles can manoeuvre on site to allow access and egress in forward gear, the proposal is considered to be acceptable in terms of highway safety and will provide the necessary off-street parking provision in accordance with the Countywide Parking strategy and Policies DP9 and DP10 of the LP.

Ecology:

The development is such that it will not have an adverse impact on protected wildlife or any protected wildlife habitation over or above how the land is currently used.

Whilst the site is within a phosphate catchment area, the type of development proposed is except from needing to demonstrate phosphate neutrality.

Environmental Impact Assessment

This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Equalities Act

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Conclusion:

The proposed use is acceptable in principle raising no adverse design, amenity or highway safety concerns which cannot be overcome through the imposition of conditions and the application is therefore recommended for approval.

Recommendation

Approval

Conditions

1. Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2. Plans List (Compliance)

This decision relates to the following drawings:

Reason: To define the terms and extent of the permission.

3. Restricted Use (Compliance)

1. The dog training area shall only ever be in use by a maximum of three customers and/or three dogs (not including the Applicants own dogs) at any one time.

2. The dog training area shall only be in use for a maximum of 5 days in any one week.

3. The hours of use shall be between 0900 hours and 2000 hours Monday to Saturday with no use on Sundays or Bank or Public Holidays.

4. An up-to-date register of all bookings for use of the dog training area (including names and addresses of customers, times and dates) shall be maintained and this information shall be made available at all reasonable times to the Local Planning Authority.

Reason: To prevent excessive noise and protect the residential amenity of occupiers in accordance with Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Parking and Turning (Pre-Use)**

Notwithstanding the details submitted, the use of the dog training area shall not commence until plans have been submitted to and approved in writing by the Local Planning Authority showing 6 number on-site parking spaces (3 for the existing dwellinghouse and 3 for visitors) in addition to unobstructed on-site turning. The vehicular parking and turning shall thereafter be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the approved dog training area and dwellinghouse.

Reason: To ensure that suitable parking and turning areas are provided and thereafter retained in the interests of highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Visibility Splay (Compliance)**

There shall be no obstruction to visibility exceeding 600 mm above ground level within the visibility splay as shown on drawing number 2488/01A. The visibility splays shall be retained permanently thereafter.

Reason: To ensure sufficient visibility is maintained in the interests of highways safety in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.

2. **Condition Categories**

Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

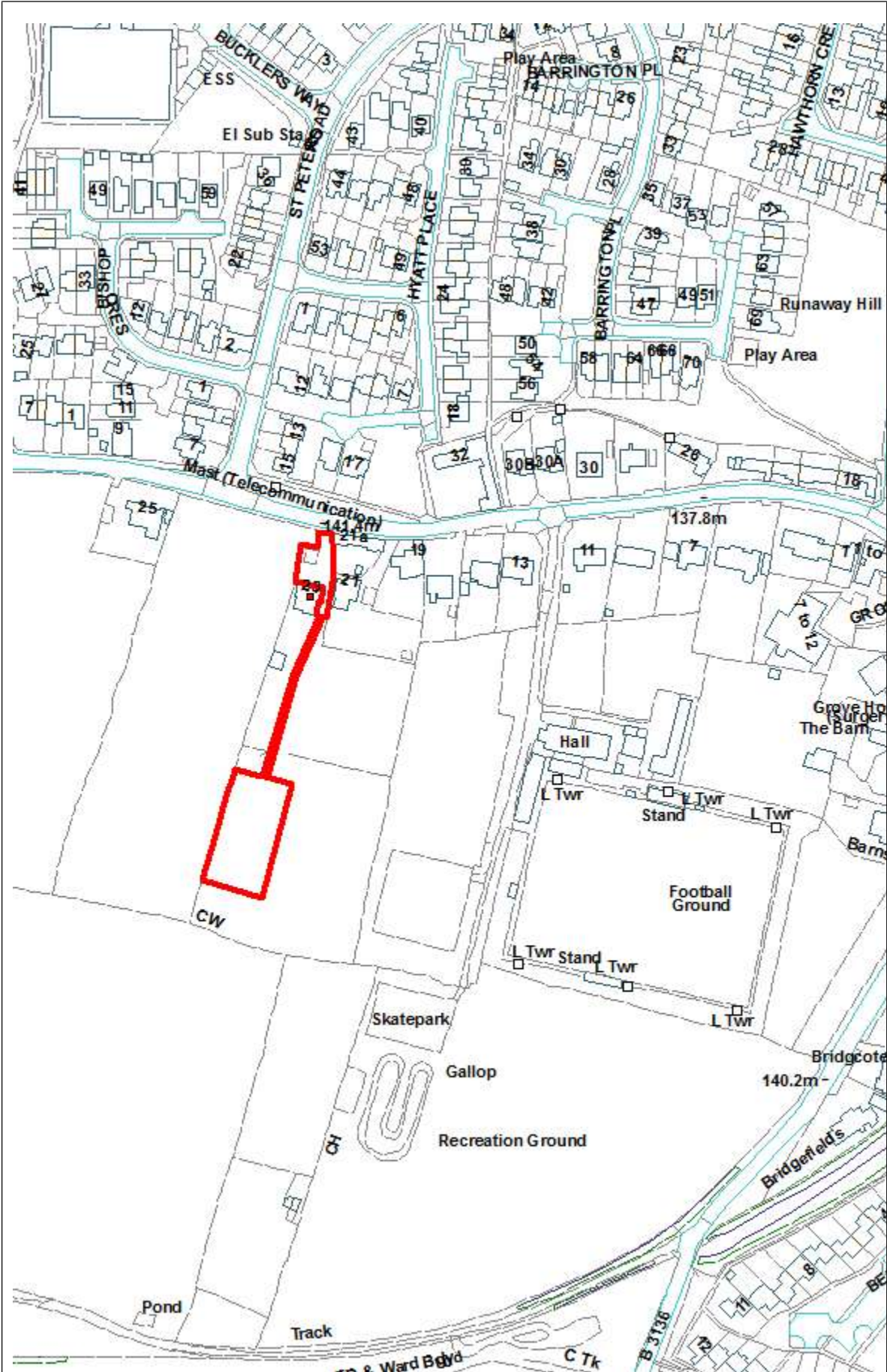
Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 145GBP per request (or 43GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the Planning Portal, see council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

3. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.

4. The applicant is reminded that compliance with the conditions attached to this consent or the legitimate use thereof, does not preclude the Council from taking action under legislation intended to protect quality of life including inter-alia; the Statutory Nuisance provisions of Part III of The Environmental Protection Act 1990, The Licensing Act 2003 and the provisions of the Antisocial Behaviour, Crime and Policing Act 2014.

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Application Number	2021/2525/FUL
Case Officer	Kelly Pritchard
Site	Greenhill Barton Road Butleigh Glastonbury Somerset
Date Validated	1 December 2021
Applicant/ Organisation	G Gilbert
Application Type	Full Application
Proposal	Change of use of agricultural land to holiday let and erection holiday let unit, yurts, kitchen and shower unit (Retention of works partially completed)
Division	Mendip South Division
Parish	Butleigh Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Claire Sully Cllr Alex Wiltshire

What Three Words: stunning.kitten.marsh

Referral to Planning Committee:

Following referral to the Chair and Vice-Chair of the Planning Committee, as the case officer recommendation is to refuse, and the Parish Council recommended approval, the vice chair has requested that the application be determined by the Planning Committee.

Description of Site, Proposal and Constraints:

The application relates to field to the north of Barton Road, Butleigh. The site is known as Greenhill. The site has vehicular access from the classified 3 unnumbered road which is shared with a public footpath. A stone track from road slopes down to site. Currently within the field there are some Yurts which are rented out as holiday lets and a stable building.

The site is located outside defined development limits, within a Priority Habitat (1 4) and Priority Habitat (2 4) area. The site is also within the Somerset Levels and Moors Ramsar Risk Area and a Site of Special Scientific Interest Impact Risk Zone. The public footpath (WS 2/49) runs along the access track to the site.

The phosphates impacts of the development will be discussed later in the report, but for reference the phosphate mitigation site is located to the north west of the site on land within the applicant control. The NAMS, shadow HRA etc. was submitted in August 2023.

The mitigation site is also within a Priority Habitat (1 4) and Priority Habitat (2 4) area. The site is also within the Somerset Levels and Moors Ramsar Risk Area and a Site of Special Scientific Interest Impact Risk Zone. The public right of way continues through the mitigation site (WS 2/39).

The application seeks full planning permission for the change of use of the land from agricultural to holiday let for the existing yurts on the site which include two yurts, a kitchen and shower unit. It also proposes to replace the existing stable building and another small building with a single storey three bed holiday let which includes a therapy and yoga room. The walls will be timber clad, the roof will be dark corrugated metal with rooflights, with aluminium or timber windows.

It is envisaged that the therapy room and yoga room will be used by guest only.

The existing access drive to the highway will be utilized. The highway is a class 3 with a 60mph speed limit.

During the life of this application the red line shown on the site plan was reduced see 1555/001 Rev B received 18.07.23

Relevant History:

No recent relevant planning history.

Summary of Divisional Councillor comments, Parish Council comments, representations and consultee comments:

Divisional Member: No comments received.

Butleigh Parish Council: Supports the application.

Contaminated Land: - Due to former agricultural uses of the site, it would be advised to keep a watching brief for potential hotspots of contamination and assess for visual/olfactory evidence of contamination during any groundworks.

Land Drainage: No objection subject to pre-commencement conditions concerning surface water and foul disposal.

- The threshold of the holiday let will be at least 300mm above the existing ground level to protect the accommodation from potential surface water runoff.
- Soakaways are proposed for the management of surface water if ground conditions allow.

- Non-mains foul drainage to a package treatment plant and drainage field is proposed. An alternate solution to be presented, as a proof of concept, such that if percolation testing and ground water level investigations did not support the use of a drainage field for infiltration of treated effluent a viable means of foul drainage for the site is available and the detailed drainage design could be conditioned.

Somerset Rights of Way: No objection subject to informative to go on the decision if approved.

- The LPA must be confident that the applicant can demonstrate they have all purpose vehicular right to the property along path WS2/49.

Somerset Wildlife Trust: No comments received.

Ecology: – A shadow HRA has been undertaken. Wastewater volume will be treated by a non-chemically dosed PTP. The phosphate budget calculator shows a total phosphorous budget for the development site as 0.49kg TP/year, based on a yearly occupancy rate of 80%, the accepted occupancy average for holiday lets in Somerset.

Off site mitigation has been secured via a mitigation strategy of planting 1.28h of woodland planting on a site 100m northwest of the development site at minimum density of 900 trees per hectare. The ecological appraisal for the mitigation site found no evidence of priority species, but a recommendation was made to avoid planting the woodland during peak bird breeding season.

After consultation with Natural England and their conclusion being that the proposal will result in no Likely Significant Effect on the Somerset Levels and Moors Ramsar and Special Area of Conservation based on the Shadow Habitats Regulations Assessment, then SES have no objection subject to a legal agreement to secure the mitigation proposed (woodland). The legal agreement should also secure a Landscape and Ecological Management Plan (LEMP). Planning conditions should include foul drainage compliance, and securing a maintenance plan for the PTP.

Natural England: No objection.

Local Representations:

We have received six letters of support and their comments are summarised below;

- This is good for tourism in the area.
- It would add to the character of the area.

Full details of all consultation responses can be found on the Council's website www.somerset.gov.uk

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014) (MDLP)
- Mendip District Local Plan Part II: Sites and Policies (December 2021) (post JR version)
- Somerset Waste Core Strategy
- Somerset Mineral Plan (2015)

The following policies of the Local Plan Part I are relevant to the determination of this application:

- CP1 (Mendip Spatial Strategy)
- CP2 (Supporting the Provision of New Housing)
- CP3 (Supporting Business Development and Growth)
- CP4 (Sustaining Rural Communities)

- DP1 (Local Identity and Distinctiveness)
- DP4 (Mendip's Landscapes)
- DP5 (Biodiversity and Ecological Networks)
- DP6 (Bat Protection)
- DP7 (Design and Amenity of New Development)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)
- DP10 (Parking Standards)
- DP23 (Managing Flood Risk)

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- The Countywide Parking Strategy (2013)

- Somerset County Council Highways Development Control Standing Advice (June 2017)

Assessment of relevant issues:

Principle of the Use:

The application site is situated outside any defined settlement limits, within a location isolated from tourist attractions, services and facilities, where development is strictly controlled. The application proposes the change of use of the land from agricultural, the retention of the yurts for holiday let and the demolition of the existing stable building along with another smaller building and the erection of a new building also for use as a holiday let. Holiday lets are a C3 residential use albeit it would be controlled residential use.

Core Policy 1 (CP1) of the adopted 'Mendip District Local Plan - Part 1' says that to enable the most sustainable pattern of growth for Mendip District the majority of development will be directed towards the five principal settlements (Frome, Shepton Mallet, Wells, Glastonbury and Street). Core Policy 2 (CP2) seeks to direct new residential development towards the principle settlements and within the defined settlement limits. The Local Plan's emphasis is on reusing previously developed land within existing settlement limits.

Core Policy 3 (CP3) of the Local Plan says that proposals for economic development will be supported where they accord with CP1, and encourage a diverse, robust, thriving, and resilient local economy. Proposals for economic development will be supported where they limit the growth in demand for private transport and are accessible by sustainable transport modes.

The Local Planning Authority (LPA) cannot currently demonstrate a five-year housing land supply in accordance with the requirements of the NPPF. As a result, the policies within the Local Plan, which seek to prevent new housing outside the development limits of settlements (CP1, CP2 and CP4) currently have limited weight. Therefore, whilst regard should be given to the policies in the Local Plan, the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the NPPF applies. However, permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole or where its specific policies indicate that development should be restricted. The provisions as set out at Paragraph 11(d) of the NPPF will be considered in completing the overall planning balance.

Although the site is outside of development limits where development is strictly controlled, CP1 allows for development to be approved outside development limits as an exception where it meets the criteria set out in Core Policy 4 (Sustaining Rural Communities). CP4 (4b) supports development of the rural economy as set out in CP3 which enable the

establishment, expansion and diversification of business in a manner and of a scale which are appropriate to the location and the constraints upon it. CP3 offers general support for applications which extend the attraction of the area to visitors. However, this general support does not override the need for such development proposals to be considered against the development plan as a whole.

The NPPF provides support for rural tourism development however, support for rural economic development is not unconditional and there is a distinct emphasis on development that is sustainable in nature. The development proposed is not considered sustainable, it is in a location which is remote from public services and facilities. The site is not served by footpaths or pavements with street lighting, there will be a reliance on the use of the private vehicle to access the development and to access services and facilities whilst holidaying here.

The holiday let would be the establishment of a rural business and extend the attraction of the area to visitors; however, when considering policies which seek the protection of the countryside from unnecessary development and in the planning balance, it is considered that the tourism accommodation proposed does not justify the inaccessible form of development, or the negative impacts on the character of the land as detail further in this report.

Design of the Development and Impact on the Street Scene and Surrounding Area:

DP1 states that development should contribute positively to the maintenance and enhancement of local identity, and proposals should be formulated with an appreciation of the built and natural context. DP7 states that the LPA will support high quality design, and that development should be of a scale, mass, form, and layout appropriate to the local context.

DP4 states proposals for development that would, individually or cumulatively, significantly degrade the quality of the local landscape will not be supported. The determination of planning applications will consider efforts made by applicants to avoid, minimise and/or mitigate negative impacts and the need for the proposal to take place in that location. Outside designated landscape areas, proposals should demonstrate that their siting and design are compatible with the pattern of natural and man-made features of the Landscape Character Areas.

The site is within the open countryside recognised for its intrinsic beauty and contribution to the experience of visitors and local people.

The existing site is of a rural character which accommodates a modest stable building which is utilitarian and functional and which is not uncharacteristic feature in the

countryside. The existing stable and associated small building have a combined floor area, excluding the overhang of the roof, of 49.58 square metres. The ridge height of the stable is 2.8m and the other existing building is 3.5m. The holiday let will be 4.5m high and including the roof overhang, the proposed floor is approximately 269 square metres.

Focusing on the new building as the yurts are more temporary in nature, it is acknowledged that the design has made efforts to minimise the proposed dwelling's impact on the character and appearance of the area, namely being single storey. However, the larger, higher building now proposed with its domestic openings, including rooflights would result in a development that represents urban encroachment of residential and associated development into the countryside contrary to the prevailing rural character, thereby result in harm.

As such the development proposed would harm the rural character of the area contrary to DP1, DP4 and DP7 of Mendip Local Plan Part I. The assessment of whether the benefits of the development outweigh the harms identified is within the 'Planning Balance' section below.

Impact on Residential Amenity:

Given the distance from other dwellings, and the design, scale, massing, and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, odour, traffic, or other disturbance. In these respects, the proposal accords with Development Policy 7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Ecology:

In November 2021 a bat and bird scoping survey was submitted for the application site which was a larger site than currently being considered as the red line has been reduced during the life of the application. The report concluded that the buildings on site which are to be demolished had negligible bat roost potential. The report makes recommendations for biodiversity enhancements and although Somerset Ecology appears to be silent in regard to biodiversity on the application site save for the phosphates and phosphate mitigation, if the application was approved on site enhancements could be controlled by condition.

The application site falls within the catchment flowing into the Somerset Levels and Moors Ramsar, designated for its rare aquatic invertebrates, and a Site of Special Scientific Interest Impact Risk Zone. There is a major issue with nutrients entering watercourses, which adversely changes environmental conditions for these species. Any new housing,

including single dwellings, will result in an increase in phosphates contained within drainage discharges. As the designated site is in 'unfavourable' condition any increase, including from single dwellings is seen as significant, either alone or in combination with other developments.

The impact of the development on a Ramsar site, by way of the potential to increase phosphate levels, is a material consideration. Therefore, the drainage details, with particular regard to phosphate generation and mitigation, are required to inform the Habitat Regulations Assessment for the current application, in order for the LPA to discharge their legislative duties in this respect.

A shadow HRA has been produced and accepted by Somerset Ecology and Natural England. The mitigation strategy to achieve nutrient neutrality is the planting of woodland to the northwest of the application site. Subject to a suitable legal agreement and conditions as suggested by Somerset Ecology, the application is considered to be compliant with Policies DP5, DP6 and DP8 of MDLP and the Habitat Regulations.

Assessment of Highway Issues:

Policy DP9 of the local plan, and the NPPF seek to promote sustainable transport options, such as walking, cycling or public transport. Policy CP3 supports sustainable rural tourism and leisure developments via conversion of existing building when the site is located outside the settlement limits. The site is remote from shops, services and facilities. Public transport options are limited and walking or cycling journeys to meet every day needs would generally be impractical. In the absence of realistic sustainable transport options, the proposal would unjustifiably foster the growth in the need to travel by private car. As such the proposal does not represent sustainable development.

The proposed plans do not show the parking arrangements for the site however, it is considered that parking can likely be provided on land adjacent and within the land that the applicant owns. As such if this application were approved, providing we restricted the number of holiday lets on site and secured a parking plan, it is considered that the development could comply with SCC Parking Standards and policy DP10 of MDLP.

The comments of the rights of way officer are noted with respect to the all purpose vehicular rights to the property along the public footpath WS2/49 which runs along the access drive. The access drive currently serves a dwelling and some craft workshops. This is a civil issue and is the existing arrangement.

The visibility when pulling out of the existing access is restricted by the existing roadside hedge especially to the west. If permission is granted for the development this would be an intensification of use of the existing vehicular access which is substandard. Somerset

Highways Standing Advice says that speed survey data, or observation on site, can help to inform a judgement on the visibility splays required. The speed limit along this part of the highway is 60mph, but it is likely that traffic would be going slower than this given the width of the road. However, the application submission is silent with regards to the existing or proposed visibility splays and no traffic speed survey to inform the visibility splays that are required has been provided. It is unlikely that improved visibility could be achieved on land within the applicant's control and any reduction in height of the roadside hedge would result in harm to the character of the lane.

There is no evidence to demonstrate that improvements to visibility can be provided on land within the applicant's control.

The application would result in an intensification of use of the existing vehicular access. The application has failed to demonstrate suitable visibility splays required in the interests of highway safety or that improvements to visibility will not result in harm to the character of the rural street scene by virtue of the loss of hedgerow.

The development therefore does not comply with policies CP3, DP9, DP1, DP4 and DP7 of MDLP.

Land Drainage:

The proposed development will not have an adverse impact on flood risk or represent a danger to water quality. The proposal accords with Policies DP8 and DP23 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Refuse Collection:

The site is considered capable of providing adequate storage space for refuse and recycling.

Environmental Impact Assessment:

This development is not considered to require an Environmental Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Equalities Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability,

gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Planning Balance:

The proposed development would result in residential dwellings to be used as holiday accommodation. The development would secure socio-economic benefits both through construction investment and by the contribution future occupiers would make to the local economy and to supporting local services.

The proposal would not contribute to housing land supply where there is a shortfall because holiday accommodation is not included in the Council's Housing Land Supply figures. As identified above, the proposal would cause harm to the character and appearance of the area by virtue of the urban encroachment into the countryside, detrimental impact on the highway hedge and it would foster the growth in the need to travel by private car.

Conclusion:

The principle of development is unacceptable as the site lies in the countryside outside the development limits where development is strictly controlled. The proposal does not represent sustainable development by virtue of its distance and poor accessibility and connectivity to local services and facilities. It would result in harm to the character and appearance of the area, and detrimental to highway safety.

Any limited economic benefits that could be attributed to the development given the proposed uses as tourist accommodation associated with this development does not outweigh the harm identified.

For this reason, it is recommended that planning permission is refused.

Recommendation

Refusal

1. The proposed development lies in the countryside outside defined development limits where development is strictly controlled. The site's distance and poor accessibility and connectivity to local services and facilities would foster growth in the need to travel by private vehicle and is therefore unacceptable in principle. Any limited economic benefits concerning the use of the site as tourism accommodation is not considered to outweigh the harm identified. The proposal is

therefore contrary to the provisions of Policies CP1, CP2, CP3, CP4 and DP9 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014), the National Planning Policy Framework and Planning Practice Guidance.

2. The proposed development would fail to maintain or enhance the environment and its urbanising effect and encroachment into the countryside along with the harm to the roadside hedge in order to provide improved visibility splays, would have a harmful impact on the countryside's intrinsic character here. The development would therefore be contrary to the provisions of Policy DP1, DP4 and DP7 of the Mendip District Local Plan 2006-2029, Part 1: Strategy and Policies (Adopted Dec 2014), the National Planning Policy Framework and Planning Practice Guidance.
3. Insufficient detail has been provided to support the proposed intensification of use of the access to serve the development in terms of the visibility at the junction with the public highway in order to satisfactorily demonstrate that the development would not be detrimental to highway safety. The proposal is therefore contrary to the criteria set out under Policy DP9 of the Mendip District Local Plan 2006-2029, Part 1: Strategy and Policies (Adopted Dec 2014) which requires all proposed development to make safe and satisfactory provision for access by all means and thus avoid causing traffic problems for the wider transport network. As such the proposal is contrary to Policy DP9 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014), the National Planning Policy Framework and Planning Practice Guidance and Somerset Highways Standing Advice.

Informatives

1. This decision relates to;

Bat and Bird Scoping Survey Report dated June 21.

Arboricultural Method Statement dated 13.05.21

Drawing 1555/030, Floor Plan

Drawing 1555/020, Existing Elevations

Drawing 1555/050 Rev C, Proposed Elevations

Drawing 1555/041 Rev A, Proposed Elevations

Drawing 1555/040 Rev B, Proposed Elevations

Drawing 1555/024, Proposed Shower Elevations

Drawing 1555/023 Rev A, Proposed Kitchen Elevations

Drawing 1555/022 Rev A, Yurt B Elevations

Drawing 1555/021 Rev A, Yurt A Elevations

Drawing 1555/014 Rev A, Proposed Shower Plan

Drawing 1555/013 Rev A, Proposed Kitchen Plan

Drawing 1555/012 Rev B, Proposed Yurt B Plan

Drawing 1555/011 Rev A, Proposed Yurt A Plan

Drawing 1555/010, Existing Building Plan

Drawing 1555/002 Rev A, Block Plan all validated on 01.12.21

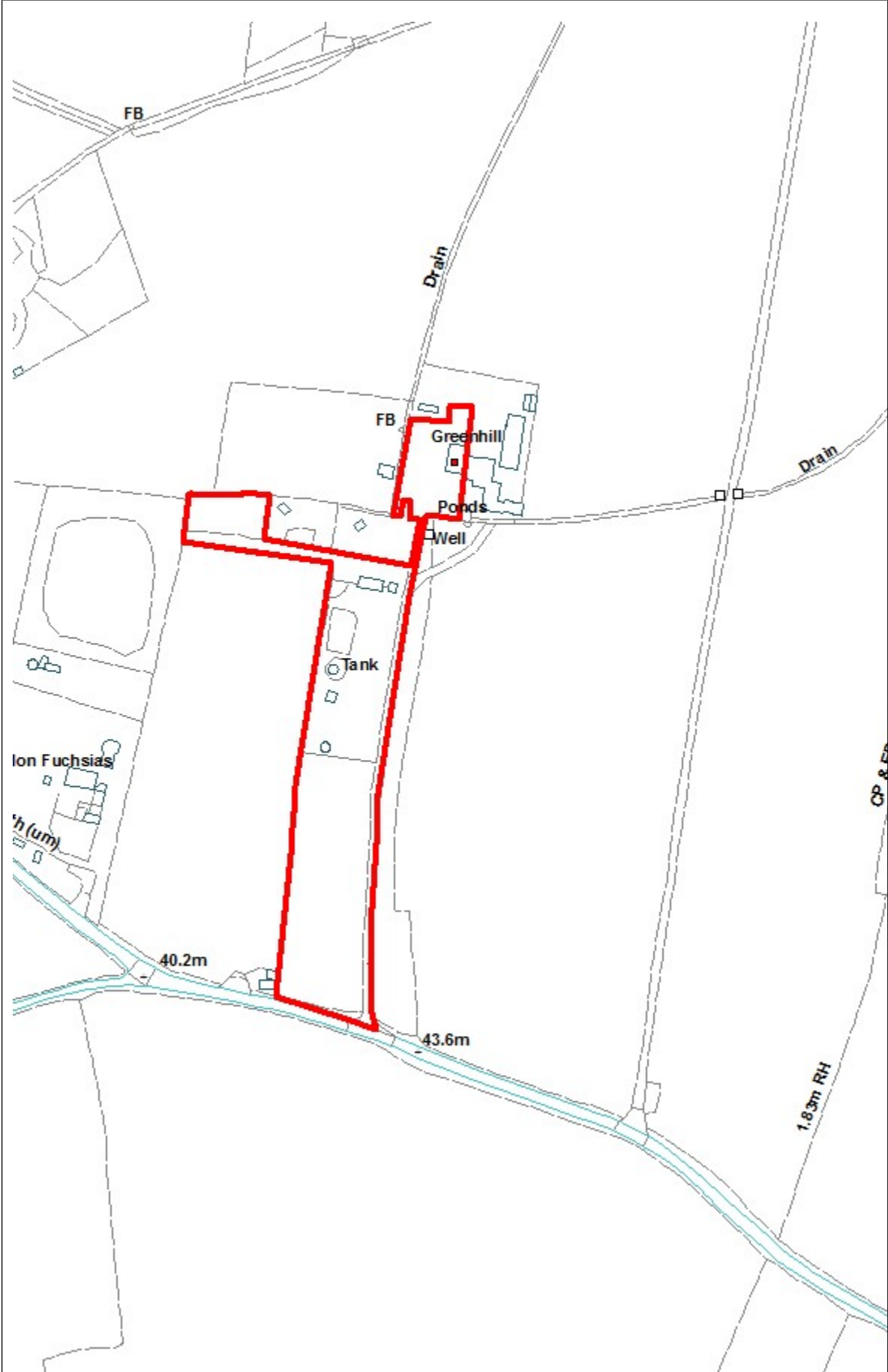
Drawing 1555/003 Rev A, Proposed Block Plan received 07.02.22

Preliminary Ecological Appraisal - Mitigation Site dated May 2023 received
24.05.23

NNAMS and Mitigation Strategy Rev C dated 13.07.23 received 18.07.23

Drawing 1555/001 Rev B, Site Plan received 18.07.23

Shadow HRA Version 2, dated 24.08.23, received 24.08.23



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Application Number	2021/2280/FUL
Case Officer	Carlton Langford
Site	Billingsley Bath Road Oakhill Radstock Somerset
Date Validated	12 January 2022
Applicant/ Organisation	S Spence
Application Type	Full Application
Proposal	Erection of a detached holiday let.
Division	Mendip Hills Division
Parish	Stratton On The Fosse Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

What3Words: pegs.makeup.snores

Referral to Ward Member/Chair and Vice Chair:

This application has been referred to the Chair and Vice Chair of the Planning Committee as the Case Officer's recommendation to refuse differs from that of the Parish Council.

Description of Site, Proposal and Constraints:

This application relates to Billingsley, Bath Road, Oakhill, Somerset, BA3 5AB.

The application proposes the erection of a detached holiday let.

The site currently comprises part of a steep wooded bank leading down to a stream located to the west of Nettlebridge House. The site was formally part of the Nettlebridge Inn which has since been converted to two residential dwellings. These dwellings are also served by the proposed access to serve the proposed holiday let.

Relevant History:

2020/0688/FUL - Erection of a 1no. dwellinghouse – Refused Jan 2021.

2018/0700/FUL - Proposed detached holiday let – Approved Nov 2018.

2016/0554/FUL - Change of use of a redundant public house to 2 no residential dwellings – Approved with conditions 13th July 2016.

2015/2267/PREAPP – Favourable pre-application advice given on the basis of the current scheme, but subject to a rigorous marketing exercise to test future re-use as public house, community facility, commercial etc.

076126/005 - Erection of dwelling – Refused October 2000.

076126/003 - Revised application for the extension of the public house forming larger restaurant and the provision of a double garage and beer cellar, new landscaping and formation of revised access and parking layout.

Summary of Ward Councillor comments, Town/Parish Council comments, representations and consultee comments:

Ward Member: No response

Parish Council: No objections

Highways Development Officer:

Environmental Protection: No objections

Ecologist: No objections subject to the imposition of conditions.

Drainage: No objections

Tree Officer: Object – Insufficient information to safeguard the wellbeing of existing trees

Local Representations: 7 letters of objection received raising the following issues –

- Loss of trees
- Loss of privacy – overlooking
- Impact on wildlife
- Highway safety
- Noise and disturbance
- Flooding
- Foul and surface water drainage concerns
- Subsidence
- Incongruous design
- Unsustainable location

- Unpleasant living environment for end users

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies (December 2021)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1 – Mendip Spatial Strategy
- DP3 - Heritage Conservation

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- Somerset County Council Highways Development Control Standing Advice (June 2017)

Assessment of relevant issues:

A similar scheme for a single holiday let (dwelling with restricted occupation) was previously allowed in 2018 and therefore, a material consideration in the determination of this application.

However, since 2018 National Policy, the National Planning Policy Framework (The Framework) has been amended to include, amongst other changes, the following –

Paragraph 11 stipulates that all plans should “promote a sustainable pattern of development that seeks to...align growth and infrastructure; improve the environment;

mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects.’

Paragraph 7 refers to the purpose of the planning system making a ‘contribution to the achievement of sustainable development’. The revised version makes additional reference to the 17 Global Goals of Sustainable Development (agreed by the UN in “Transforming our World: the 2030 Agenda for Sustainable Development”). Those goals address social progress, economic well-being and environmental protection.

Paragraph 131 refers to existing trees are retained wherever possible.

Paragraph 134 has been amended to say that development should be refused if it is not well designed, especially where the development fails to reflect local design policies and government guidance on design. It also now highlights that significant weight should be given to development which reflects local design policies and outstanding designs which promote sustainability.

The ‘new’ Framework has ‘rebalanced’ environmental and social objectives with the emphasises on the need to protect and enhance the environment and the need to create places that will be a lot safer and more attractive for people to enjoy. The term ‘beautiful’ has also been integrated which should be seen as a high level of ambition, rather than policy.

In this regard, a full reassessment of the scheme is necessary having regard for evolving National Policy since the Council first assessed the scheme in 2018.

Principle of the Use:

The site lies outside of any settlement limits and in open countryside, in a location where development is strictly controlled in accordance with the provisions of policies CP1, CP3 and CP4 of the Mendip District Local Plan (MDLP), adopted in December 2014.

The development does however offer knock-on economic benefits as it will offer modest holiday accommodation.

Policy CP3 supports proposals for economic development in rural areas where they –

- accord with the Spatial Strategy defined in Core Policy 1 and, in rural areas, the principles set out in Core Policy 4.
- encourage a diverse, robust, thriving and resilient local economy;
- enhance the image of the area as a business location;

- limit the growth in demand for private transport and are accessible by sustainable transport modes;
- offer higher quality job opportunities to local people or improve the skills of the resident work force;
- consider options for the use of local contractors and supply chains in the construction and subsequent running of the enterprise.

Policy CP4 suggests that rural settlements will be sustained by supporting proposals for development of the rural economy as set out in Core Policy 3 which –

- deliver modest clusters of flexible premises able to meet the needs of the rural economy in the Primary Villages identified in Core Policy 1, or
- enable the establishment, expansion and diversification of business in a manner and of a scale which is appropriate to the location and constraints upon it, or
- involve the conversion of existing buildings for an economic use as considered under Development Policy 22.

Paragraph 85 of the NPPF suggests that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

It is, therefore, necessary to ensure that the economic benefits brought by the development are carefully weighed against the criteria for sustainable development as outlined within policies CP3 and CP4 of the Local Plan and paragraph 85 of the NPPF.

A full assessment of the proposal follows below but in summary, the proposal provides only very modest level of holiday accommodation, providing few job opportunities or benefits for the local economy being remote from services and facilities, inaccessible to sustainable transport modes and with no proposals to improving the scope for access on foot, by cycling or by public transport to local attractions, the accommodation will be wholly reliant on the use of private transport (Car).

Therefore, the site's distance and poor accessibility and connectivity to local services and facilities will foster growth in the need to travel by private vehicle, making for an unsustainable form development where, the limited economic benefits brought by this single holiday let are not outweighed by the harm identified. The proposal is therefore

unacceptable in principle contrary to the provisions of Policies CP1, CP3, CP4 and DP9 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014) and Policies within the National Planning Policy Framework to include paragraph 85 and Planning Practice Guidance.

Design of the Development and Impact on the Street Scene and Surrounding Area:

The design of the proposal is very similar to that previously approved and by reason of its design, siting, scale, massing, layout and materials continues to be acceptable within context.

The proposal accords with Policies DP1 and DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Residential Amenity:

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with Policy DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Ecology:

The County Ecologist raises no objections to the proposal, subject to the use of planning conditions. It is recommended that these conditions be imposed should planning permission be granted. Given the County's advice, and subject to the use of the conditions recommended, it is considered that the proposal would have an acceptable ecological impact, and would be in accordance with Policy DP5 and DP6 of the Local Plan.

Assessment of Highway Issues:

As with the previous application for holiday accommodation, there are no highway issues arising as a result of the proposal. Whilst concerns have been raised regarding traffic safety, the existing access which serves 2 existing dwellings and the proposed holiday let is considered to be sufficient to ensure a safe means of access as it has previously under its historic use as a public house where traffic movements were much greater.

The level of parking provision meets with the County Parking Strategy.

As previously, the scheme complies with Policies DP9 and DP10 of the LP.

Drainage and Flood Risk:

Based on the information received including the Flood Risk Assessment, there are clearly feasible solutions for both the foul and surface water drainage. However, the proposal still lacks sufficient detail and therefore conditions will be necessary to ensure the implementation of feasible schemes.

Whilst concerns were raised regarding possible flood displacement by the development, the applicant has since provided amended plans which ensure a slight change to the regrading i.e. levelling out land to allow for the proper drainage of water, of the site.

All flood risk and drainage concerns have now been addressed and the scheme now accords with Policies DP7 and DP23 of the LP.

Refuse Collection:

Ample space on site for the storage of waste and recycling bins.

Environmental Impact Assessment

This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Equalities Act

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Loss of trees

It is appreciated that the applicant might have cleared some trees and scrub from the site but is a separate matter for planning enforcement at this stage. However, the trees and shrubs lost are in a location on site, where development which had previously been allowed would take place and where the loss was considered acceptable.

Therefore, insofar, of the layout of the scheme being almost identical to that previously allowed,

it would be unreasonable to refuse the application on the grounds of loss of trees. No further trees are to be felled.

Unpleasant living environment for end users

The previous similar application raised no adverse amenity issues and therefore, it would be unreasonable of the Council to raise this as a concerns now. Whilst it is appreciated that the remaining trees on site will overshadow the accommodation and therefore impede on the amenity of the end users, this is a matter which cannot now be reconsidered.

Subsidence:

The concerns raised by local residents regarding subsidence and land stability are issues for Building Regulations and cannot be taken into account in the assessment of this application.

Conclusion and Planning Balance:

This amended scheme similar to that previously approved under ref: 2018/0700/FUL would again provide modest holiday accommodation. However, changes in National Policy which amongst other things, emphasises the need to promote a sustainable pattern of development, now means that the site's distance and poor accessibility and connectivity to local services and facilities will foster growth in the need to travel by private vehicle, making for an unsustainable form development where, the limited economic benefits brought by this single holiday let use are not outweighed by the harm identified. For this reason, the application is now recommended for refusal.

Recommendation

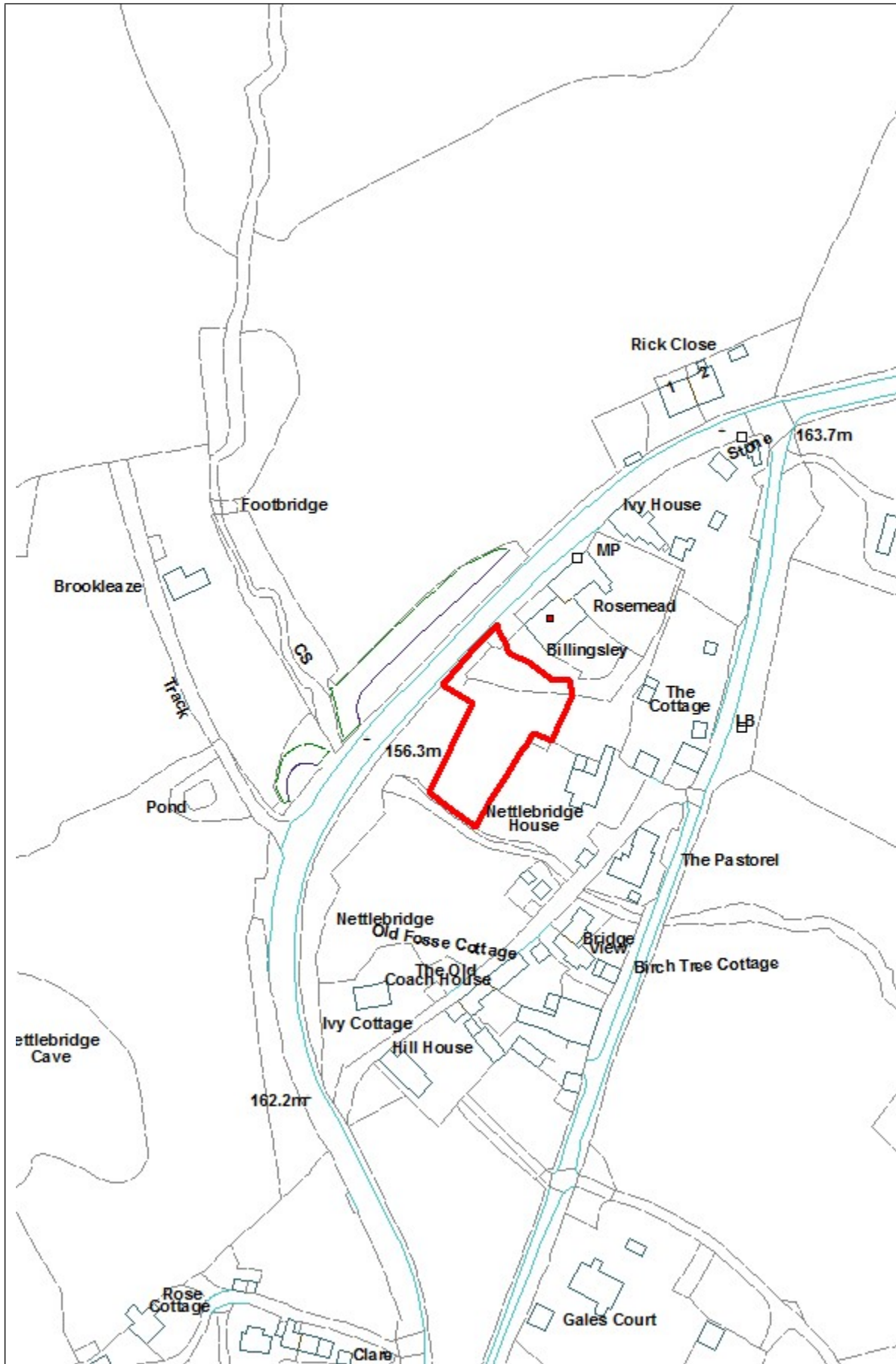
Refusal

1. The proposed development lies in the countryside outside defined development limits where development is strictly controlled. The site's distance and poor accessibility and connectivity to local services and facilities would foster growth in the need to travel by private vehicle and is therefore unacceptable in principle. The limited economic benefits brought by the development, in this case, do not outweigh the harm identified. The proposal is therefore contrary to the provisions of Policies CP1, CP3, CP4 and DP9 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014) and Policies within the National Planning Policy Framework to include those within Chapters 6 and 9 and Planning Practice Guidance.

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework by working in a positive, creative and pro-active way. Despite negotiation, the submitted application has been found to be unacceptable for the stated reasons. The applicant was advised of this, however despite this, the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.
2. This decision relates to drawings -
H6425/001A
H6425/100B
H6425/101A
RG23 2585 01 LAYOUT 1 (1)

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Application Number	2023/1779/FUL
Case Officer	Kelly Pritchard
Site	Land At Burcott House Farm Pennybatch Lane Burcott Wells Somerset
Date Validated	19 September 2023
Applicant/ Organisation	Lansdown
Application Type	Full Application
Proposal	Change of Use of Land from Agricultural to Residential Use Class C3 and the erection of 1no. dwelling and associated works.
Division	Mendip West Division
Parish	St Cuthbert Out Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Heather Shearer Cllr Ros Wyke

What Three Words: catapult.respect.dynasties

Referral to Chair and Vice-Chair:

In accordance with the scheme of delegation, this application was referred to the Chair and Vice-Chair of the Planning Committee as the case officer recommendation is to refuse, and the Parish Council recommended approval. As a result of this consultation the vice chair said that as the parish response is at odds with the officer report he would like the application to be heard by the Planning Committee.

Description of Site, Proposal and Constraints:

The application relates to Burcott House Farm which is located on the south side of the B3139 Wells Road and has two vehicular accesses, one from Wells Road, and the other from Pennybatch Lane which is to the east of the farm.

The application site is a triangular piece of agricultural land to the south west of the main farm complex at Burcott House Farm. Its backdrop is the rising land further south west and the barn converted to a dwelling at the foot of the woods there. (Application number 2016/1990/FUL). The land is located toward the rural edge of the existing farm complex. The farm and its buildings have a mix of uses including some residential units and holiday accommodation. The former farmhouse is a grade II listed building but is some 158m from the application site.

The site is within the Internal Drainage Boards consultation zone. The site is also within a Special Landscape Feature (Ben Knowle Hill) designated in the Local Plan. It's also within the Somerset Levels and Moors Ramsar Risk Area, the Indicative Non Ramsar WRC and a Site of Special Scientific Interest Impact Risk Zone.

The site is outside the settlement limits in open countryside.

The application seeks full planning permission for the erection of a dwelling and garage.

This application follows an outline application for a dwelling on this site, reference 2019/1752/OTA which was dismissed at appeal in July 2020 and a full application, reference 2021/2894/FUL which was refused in 2022 for a dwelling on this site. The current application is the same as 2021/2894/FUL except it provides more information on ecological matters supplying a Nutrient Neutrality Assessment and Mitigation Strategy NNAMS, a shadow HRA and drainage information.

The house is proposed as a 2 storey (4 bedroom) unit with walling to be finished in stone under a slate roof. The garage will be timber clad with slate roof and solar panels.

Relevant History:

There have been a number of planning consents on the farm which are listed below, but the most relevant to this specific application site are 2019/1752/OTA and 2021/2894/FUL i.e. the last two in the list.

- 030580/001 - Certificate of Lawfulness for (1) the processing of waste food into pig swill for the consumption by animals kept at Burcott House Farm; and (2) the stationing of plant and equipment in connection with the above use [COUNTY MATTER] December 1997
- 030580/002 - Objection - Certificate of Lawfulness for the use of the application site for the purposes of skip hire and for the storage, sorting and re-cycling for resale of stone, concrete, metal, timber, etc. materials [COUNTY MATTER]. December 1997
- 030580/003 - No Objection - Certificate of lawful existing use or development relating to use of land for the purposes of a skip hire base and for waste materials recycling. April 1999
- 030580/004 - Objection - Retain use of land for purpose of skip hire business and the recycling and disposal of associated waste materials. October 1999.

- 2010/0421 - Approved with conditions and subject to legal agreement - Erection of three lodges for use as holiday accommodation. May 2010
- 2012/0603 – Approved - Application for the approval of details reserved by condition 3 (Hard and soft landscape scheme) of planning consent 2010/0421. August 2012
- 2011/1963 – Approved - Retrospective change of use of agricultural buildings to vehicle body repair and renovation workshop with associated parking and storage facilities. October 2012
- 2013/1495 – No objection to a county matter application for the variation of condition 20 of planning permission No 030580/004. To increase the range of materials for sorting and transfer at Burcott House Farm. December 2013
- 2015/1653 – Approved - The erection of two holiday lodges, three camping pods and a facilities unit. Oct 2015.
- 2015/2908/S106 – Approval - Application for the discharge of all obligations in Section 106 Agreement dated 6th December 2010, relating to planning permission reference number 2010/0421. 01.02.16
- 2016/0371/VRC – Approved - Application for variation of condition 2 (drawing numbers) following grant of planning permission 2015/1653. March 2016
- 2016/1990/FUL – Approval - Conversion and extension of agricultural barn to form a dwelling. 11.11.16
- 2019/1759/FUL - Conversion of redundant agricultural barn to 2 bed dwellinghouse. Withdrawn. 17.02.20
- 2019/1752/OTA – Erection of dwelling. Refused 27.09.19. Appeal dismissed. 28.07.20
- 2021/2894/FUL – Erection of dwelling. Refused. 07.04.22

Summary of Divisional Councillor comments, Parish Council comments, representations and consultee comments:

Divisional Member: No comments received.

St Cuthbert Out Parish Council: Approval. The main grounds for improving are;

- Design and appearance, impact on public visual amenity. – dwelling would not be visible and would replace an area of land where various agricultural equipment is stored.
- Access, highway safety or traffic generation. – there are tracks either side and very little passing traffic would be evident. The site is within walking distance of bus stops and the community shop.
- A drainage report and phosphate mitigation has been provided.
- A dwelling would contribute to the 5 year housing supply quota and would provide accommodation for a 4th generation family that work on the farm.

Wookey Parish Council: Although the proposed site for the house is in St Cuthbert Out Parish, Wookey Parish have commented because the access to the site from the B3139 falls within their parish. Wookey PC recommend refusal, as it does not comply with CP1 as it is outside the development limit. No phosphate mitigation report available and therefore unable to comment.

Contaminated Land: I have no objections to the planning application.

Somerset Drainage Board: No objection subject to a condition that the thresholds are raised 150mm above surrounding ground levels. The development shall only be carried out in accordance with the approved surface water drainage strategy. An informative should be imposed reminding the applicant that land drainage consent is required.

Ecology: Objection.

- Insufficient information has been submitted to assess whether the proposal would result in an unacceptable impact upon the Favourable Conservation Status of protected species.

Somerset Waste Management: Somerset Council Waste Services has no objection to this proposal in principle, however would request that there is sufficient space provided for the containers to be brought to the adopted highway for collection (perhaps by constructing a bin storage area for all the properties using the road) as the property is more than 45m away (30m for resident and 15m for crew is maximum recommended transportation distance) from the collection point.

Local Representations:

We have received four comments on the application and their comments are summarised below:

- The family are a huge asset to the community.
- The area of land is a dumping ground for surplus items and a dwelling here would be an enhancement.
- Services already run alongside the site to other existing developments.
- Mark Lansdown is looking to reduce his involvement in the farm and James will be taking over and he needs to be close to the farming stock.
- The development will provide a house for local family and support the economy.

Full details of all consultation responses can be found on the Council's website

www.somerset.gov.uk

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations strongly indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014) (MDLP)
- Mendip District Local Plan Part II: Sites and Policies (December 2021) (post JR version, 16 December 2022)
- Somerset Waste Core Strategy
- Somerset Mineral Plan (2015)

The following policies of the Local Plan Part I are relevant to the determination of this application:

- CP1 – Mendip Spatial Strategy
- CP2 – Supporting the Provision of New Housing
- CP4 – Sustaining Rural Communities
- DP1 - Local Identity and Distinctiveness
- DP4 - Mendip's Landscapes
- DP5 - Biodiversity and Ecological Networks
- DP7 - Design and Amenity
- DP8 - Environmental Protection
- DP9 - Transport Impact of New Development
- DP10 - Parking Standards
- DP23 – Flood Risk

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)

Assessment of relevant issues:

Principle of the Use:

On this site, an outline application 2019/1752/OTA which was for a dwelling with all matters reserved for subsequent approval was refused and dismissed at appeal.

The Inspector commented;

“I am mindful that the location of the site is within a reasonable walking distance of facilities in the village and close to a bus route, however this proximity alone would not override the fundamental objection to development in the open countryside for which there is no proven rural need.”

The Inspector further comments;

“The proposal would introduce built form on a site where there are no buildings unacceptably eroding the rural character of the area and introducing additional built form into the countryside within an area where development is strictly controlled, and which is part of a Special Landscape Feature.”

The appeal was dismissed as the proposal would lead to the unacceptable erosion of the rural character of the area. The harms which would be caused in respect of the unsustainable location and the character of the area would significantly and demonstrably outweigh the benefit of providing one additional dwelling.

Subsequently a full application was submitted, and this application was also refused, reference 2021/2894/FUL. The reasons for refusal were as follows;

1. *The development does not accord with the objectives of policies CP1, CP2 and CP4 of the Mendip District Local Plan Part I with regards to strictly controlling development outside the Development Limits and the approach to the delivery of housing therefore as a matter of principle it is unjustified. The proposal for unjustified development in the open countryside would erode the rural character of*

the area and be harmful to its intrinsic character and beauty and would be located in an unsustainable location. The limited benefits of bringing forward housing supply and the limited economic benefits for the wider community do not in this case outweigh the harm and adverse impacts that have been identified. The development fails to accord with the objectives of Policies CP1, CP2, CP4, DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014) and advice contained within the National Planning Policy Framework.

- 2. Insufficient information has been submitted to assess whether the proposal would result in an unacceptable increase in phosphate levels within the foul water discharged from the development affecting the current unfavourable status of the Somerset Levels and Moors Ramsar site and as such fails Regulation 63 of the Habitat Regulations 2017, including information on any necessary control mechanisms for delivery, monitoring and maintenance. The proposal is therefore also considered to be unsustainable development pursuant to paragraph 182 of the National Planning Policy Framework. The development therefore conflicts with Policies DP5 and DP8 of the adopted Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014), para 182 and Part 15 of the National Planning Policy Framework.*

- 3. The Local Planning Authority are of the view that in the absence of a complete land drainage strategy for the site, it has not been demonstrated to the satisfaction of the Local Planning Authority, that the increase in surface water runoff associated with the development can be suitably managed on or off the site and therefore, it cannot be ensured that the development will not increase flood risks elsewhere. The proposal would conflict with Policy DP23 of the adopted Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and Part 14 of the National Planning Policy Framework.*

The current application is the same as the previous and seeks to address the aforementioned reasons for refusal. This application provides more information including a NNAMS and a shadow HRA and a drainage strategy which will be assessed later in this report. However, it is considered that the principle of a dwelling in this location does not accord with the development plan.

Policies CP1 and CP2 of MDLP seek to direct new residential development towards the Principal settlements and within defined Development Limits, which is consistent with the aims of creating sustainable development and protecting the countryside as described in the NPPF. Policy CP4, amongst other things, seeks to strictly control residential development in the open countryside save for specific exceptions (Development Policies 12, 13, and 22), which do not apply in this case. Policy CP1 directs that new housing should

be located in sustainable locations in the 5 market towns and villages near to services and facilities.

The Local Planning Authority (LPA) cannot currently demonstrate a five-year housing land supply in accordance with the requirements of the NPPF. As a result, the policies within the Local Plan, which seek to prevent new housing outside the development limits of settlements (CP1, CP2 and CP4) currently have limited weight. Therefore, whilst regard should be given to the policies in the Local Plan, the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the NPPF applies. However, permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole or where its specific policies indicate that development should be restricted.

The site is located to the south of the settlement boundary of Wookey which is a secondary village in the local plan offering some services and public transport. The Inspectors comments on the outline application for this site acknowledged that the site was within a reasonable walking distance of facilities in the village and close to a bus route, she goes onto to say this proximity alone would not override the fundamental objection to development in the open countryside for which there is no proven rural need. She concludes that with regards to para 11, nonetheless the harms which would be caused in respect of the unsustainable location and the character of the area would outweigh the benefits of one house.

Reflecting on these comments along with the more recent refusal on this site, it is considered that the development is in an unsustainable location.

It is considered that nothing has significantly changed in terms of the principle of the development since the appeal decision where the Inspector said the harms which would be caused in respect of the unsustainable location and the character of the area would significantly and demonstrably outweigh the benefit of providing one additional dwelling to the housing stock, or since the last refusal. As such the proposal, located in the open countryside does not accord with the strategic policies of MDLP and advice contained within the NPPF and reason 1 has not been overcome.

Design of the Development and Impact on the Street Scene and Surrounding Area:

The application proposes a one and half storey detached stone-built house with a detached double garage clad in timber.

The site is within a Special Landscape Feature (Ben Knowle Hill) designated in the Local Plan.

Both this application and the last one was accompanied by a landscape character statement.

Ben Knowle Hill is a special landscape feature, and its key feature is its topography, a prominent hill. It is considered that although the dwelling is not proposed on the hill, it will be on the level land around it and as such will affect how the hill is read in the landscape. The site is at the end of a dead-end track on the outskirts of the farm where there is no noticeable built development. It is recognised that planning permission has been granted opposite at Somerleaze House, (references 2021/1165/OTS and 2022/0484/REM), but that site has a different set of circumstances. The development proposed was replacing existing structures and at the time was not thought to impact on the Ramsar site. There is a dwelling known as Rialto Barn further to the south west of the application site but this was also approved under different circumstances and involved the conversion of an existing building (reference 2016/1990/FUL).

Whilst the design of the development proposed is not objectionable, it is not outstanding either and it will introduce built form on a site where there are currently no buildings. Notwithstanding that the applicants are proposing hedge planting around the site, the development proposed results in erosion of the rural character of the area and domesticising the intrinsic character and beauty of the countryside. It is considered that reason 1 has not been overcome.

Impact on Residential Amenity:

There are no nearby neighbours, and as such there would be no harm to amenity. Due to its isolation, it could be occupied providing a satisfactory environment for future occupiers.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, odour, traffic or other disturbance. The proposal accords with Policy DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Ecology:

The application site falls within the catchment flowing into the Somerset Levels and Moors Ramsar, designated for its rare aquatic invertebrates, and a Site of Special Scientific Interest Impact Risk Zone. There is a major issue with nutrients entering watercourses, which adversely changes environmental conditions for these species. Any new housing, including single dwellings, will result in an increase in phosphates contained within drainage discharges. As the designated site is in 'unfavourable' condition any increase,

including from single dwellings is seen as significant, either alone or in combination with other developments.

The impact of the development on a Ramsar site, by way of the potential to increase phosphate levels, is a material consideration. Therefore, the drainage details, with particular regard to phosphate generation and mitigation, are required to inform the Habitat Regulations Assessment for the current application, in order for the LPA to discharge their legislative duties in this respect.

The application is supported by a Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) to demonstrate how the issue of phosphates and foul drainage will be dealt with to mitigate the impact of the development to the Somerset Levels and Moors Ramsar. A shadow Habitats Regulations Assessment has also been submitted. The proposed development does not meet the guidance for small scale thresholds as the proposed drainage strategy is to watercourse. The residual total phosphate load will be mitigated through the upgrade of a treatment plant at Rialto Barn with a package sewage treatment plant. SES has confirmed verbally that this principle is acceptable.

With regards to other ecological matters, a preliminary ecological appraisal comprising a walkover survey has been undertaken. The report notes the presence of the River Axe Local Wildlife Site (LWS) to 24m north, Ben Knowle ancient woodland LWS 21m west, Ben Knowle Hill LWS comprising species rich calcareous grassland to the south west, and Hayhill LWS to the south. In addition, Coastal Floodplain Grazing Marsh Priority Habitat lies south of the site. SES comment that because of these factors, the application site lies within an ecologically sensitive area where further development is not recommended.

SES comments that due to habitats within the application site, the site provides habitat for reptiles where further survey were not recommended. Due to the time of year that the ecological appraisal was undertaken (in December) and that the survey was completed nearly two years ago, it is possible that the application site has become increasingly suitable for reptiles as time has lapsed. As such further surveys are required, in addition further information is required on the drain which is located immediately adjacent to the western boundary of the site and whether the watercourse provides suitability for amphibians including Great Crested Newts.

Given the comments of SES it is considered that there is insufficient information to establish the presence of protected species (including European Protected Species) and the extent to which they may be affected. Whilst the phosphate issues raised by reason 2 have been addressed, there are still outstanding issues with regards to onsite ecology. The proposal is contrary to Policies DP5 and DP6 of MDLP.

Assessment of Highway Issues:

It is envisaged that the development will be served from the existing access, which is also used by an existing residential barn conversion to the south west of the plot known as Rialto Barn. It is a considerable distance to the application site from the public highway along existing private access tracks. The private routes provide access to a number of uses and other residential properties and a farm complex that gain access to the wider world via entrances onto either Pennybatch Lane or the Wells Road. It is considered that in the context of the existing traffic movements that are already likely to occur here the addition of a further new dwelling would not materially affect highway safety over and above the existing arrangements.

It is considered that there is adequate parking and turning within the site.

Land Drainage:

The site is located in Flood Zone 1 and is shown to be at very low risk of surface water flooding on the Environment Agency's Long Term Flood Risk Map. The access track is shown to be at high risk of surface water flooding. Soils mapping indicates slightly acid loamy and clayey soils with impeded drainage. The submitted drainage strategy shows that soils on site were not suitable for infiltration and as such SUDs features are proposed. In addition, it is recommended that the finished floor levels of the building should have a minimum threshold of 150mm above the current land profile.

Foul drainage will be dealt with via a Package Treatment Plant (PTP).

Subject to compliance with the submitted drainage strategy, the proposed development will not have an adverse impact on flood risk or represent a danger to water quality. The proposal accords with Policies DP8 and DP23 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework. Reason 3 falls away.

Refuse Collection:

The site is considered capable of providing adequate storage space for refuse and recycling. However, Somerset Waste has commented about the distance that the occupiers would have to take their bins to the public highway for collection which further highlights the remote location of the site.

Environmental Impact Assessment:

This development is not considered to require an Environmental Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Equalities Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Conclusion & Planning Balance:

Development outside the settlement limits is strictly controlled by virtue of Policy CP1 and CP4 of MDLP. Policy CP2 supports the provision of new housing through a strategic site allocation approach. The dwelling proposed outside the settlement and remote from services and facilities would be contrary to these policies including Policy DP9.

The Council cannot currently demonstrate a five-year housing land supply. Consequently, the housing policies within the development plan are out of date and this triggers Para. 11 (d) of the NPPF. Following on it is considered that the harm resulting from the unsustainable location, the resulting harm of built development to the intrinsic character of the countryside and the lack of ecological information would outweigh the benefit of providing one additional dwelling to the housing stock. As such the proposal, located in the open countryside does not accord with the strategic policies of MDLP or Policies CP1, CP2, CP4, DP1, DP4, DP5, DP6, DP7 and DP9 and advice contained within the NPPF.

Recommendation

Refusal

1. The development does not accord with the objectives of policies CP1, CP2 and CP4 of the Mendip District Local Plan Part I with regards to strictly controlling development outside the Development Limits and the approach to the delivery of housing therefore as a matter of principle it is unjustified. The proposal for unjustified development in the open countryside would erode the rural character of the area and be harmful to its intrinsic character and beauty and would be located in an unsustainable location. The limited benefits of bringing forward housing

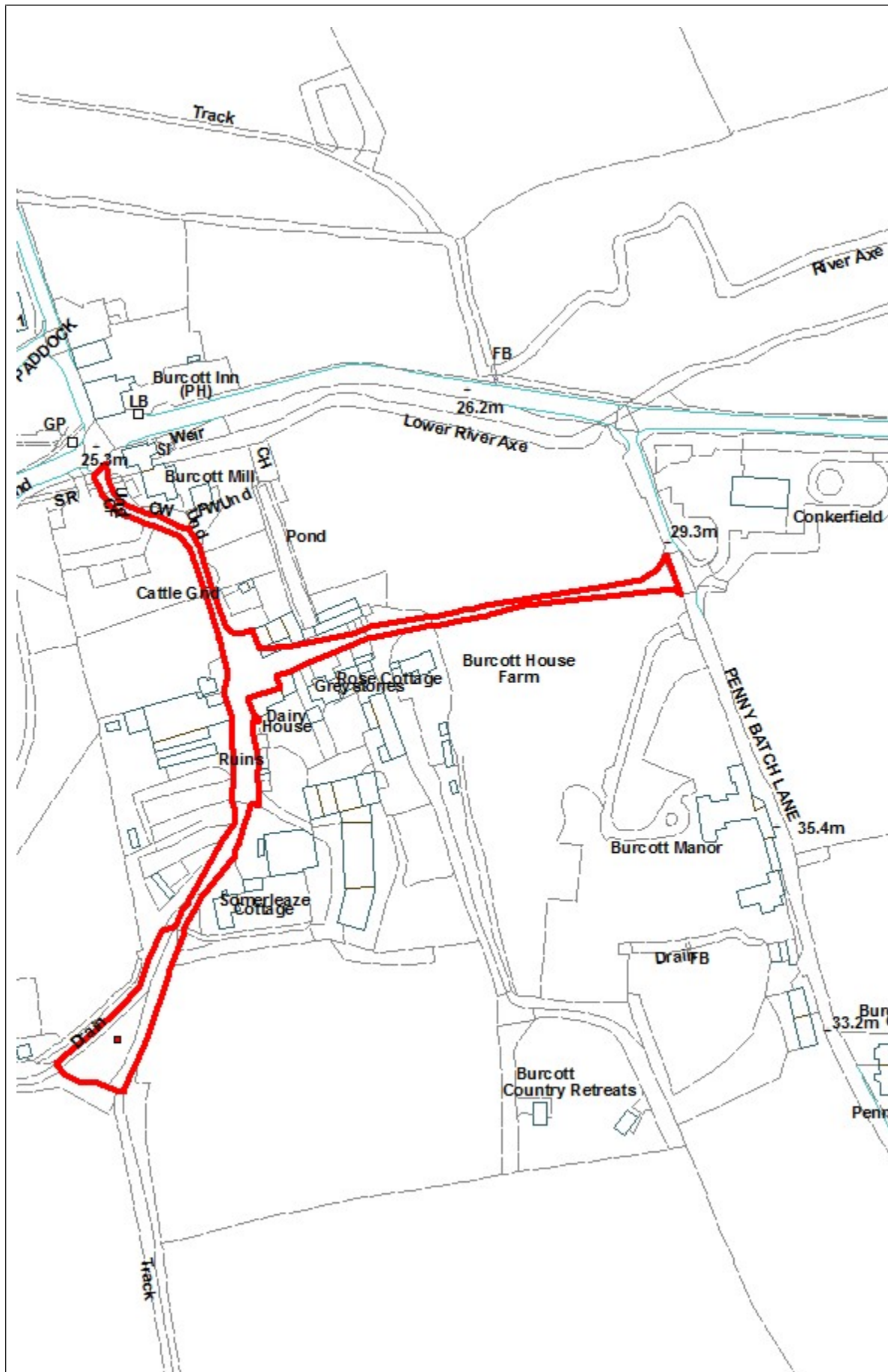
supply and the limited economic benefits for the wider community do not in this case outweigh the harm and adverse impacts that have been identified. The development fails to accord with the objectives of Policies CP1, CP2, CP4, DP1, DP4, DP7 and DP9 (this was not in the original reason) of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014) and advice contained within the National Planning Policy Framework.

2. Insufficient information has been submitted to assess whether the proposal would result in an acceptable impact upon the ecology and its habitat. On this basis the development conflicts with Policies DP5 and DP6 of the Mendip District Council Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and Part 15 of the National Planning Policy Framework.

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The submitted application has been found to be unacceptable for the stated reasons and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.
2. This decision relates to drawing numbers 2020069 004, 2020069 003 Rev A, 2020069 003, 2020069 001 and drawing number 01 received 19.09.23.

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Application Number	2023/0987/OUT
Case Officer	Jennifer Alvis
Site	Sourdown Farm Sub Road Butleigh Glastonbury Somerset
Date Validated	2 June 2023
Applicant/	D Sharland
Organisation	
Application Type	Outline Application
Proposal	Application for Outline Planning Permission with all matters reserved for a 1no. replacement dwelling.
Division	Mendip South Division
Parish	Butleigh Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Claire Sully Cllr Alex Wiltshire

What 3 Words:

Access to the Site - splints.cookies.sending

Location of Dwelling - boils.agency.term

Referral to Planning Board:

This application is referred to Planning Board because the application is a departure from the local plan as it proposes a new residential property outside of settlement limits.

Description of Site, Proposal and Constraints:

The application relates to land to the west of Sub Road in Butleigh. There is a temporary dwelling already on the site along with one large agricultural building. In planning terms the site lies in the countryside outside of a Settlement Limit and within the Somerset Levels and Moors Ramsar Risk Area. A public footpath runs along the rear of the site, parallel to Sub Road. There are no other planning designations on the land.

The application seeks outline planning permission with all matters reserved except the access, for the erection of a 1.5 storey dwelling. There is an existing temporary dwelling on the site which was granted permission under 2016/1082/FUL. However, as this permission was only temporary, and the original associated use for which the dwelling was granted

appears to have largely ceased, this cannot be used as a fallback position and fresh consideration must be given to a new permanent dwelling in this location.

Relevant History:

- 2013/0626 - Prior notification for the erection of an agricultural building - Approved - April 2014
- 2014/1125/OTA - Outline planning application (all matters reserved for subsequent approval) relating to residential development. - Refused - August 2024
- 2014/2240 - Application for prior notification of agricultural development for a proposed steel framed building.- Prior Approval not Required - November 2014
- 2015/2799/FUL - change of use part of agricultural storage shed to provide premises for Avalon Waste Management Ltd - Withdrawn - Feb 2016
- 2016/1082/FUL - Proposed erection of an agricultural building for free range hens, and associated single storey temporary dwelling. - Approved - August 2016

Summary of Ward Councillor comments, Town/Parish Council comments, representations and consultee comments:

Ward Member: No response

Parish Council: Supports the application

Local Highway Authority: Standing advice applies

SCC Ecologist: It's considered beyond reasonable scientific doubt that any such impacts on the Somerset Levels and Moors Ramsar Risk Area will be fully mitigated and the development will not adversely affect the integrity of the Somerset Levels and Moors Ramsar site either alone or in combination with other plans or projects, subject to the adoption of the sHRA.

Natural England: The appropriate assessment concludes that it can be ascertained that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that we concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission.

Contaminated Land Officer: Due to the nature of the former use of the site as a farm, there

is the potential for the contamination to be present on the site. It would therefore be advised to keep a watching brief for potential hotspots of contamination

Environmental Protection: No objection subject to an hours of work condition

Local Representations: No letters of representation have been received

Full details of all consultation responses can be found on the Council's website www.somerset.gov.uk

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies (December 2021)
- Somerset Waste Core Strategy (adopted February 2013)
- Somerset Mineral Plan (2015)

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1 – Mendip Spatial Strategy
- CP2 – Housing
- CP4 - Sustaining Rural Communities
- DP1 - Local Identity and Distinctiveness
- DP4 - Mendip's Landscapes
- DP5 - Biodiversity and Ecological Networks
- DP6 – Bat Protection
- DP7 - Design and Amenity
- DP8 - Environmental Protection
- DP9 - Transport Impact of New Development
- DP10 - Parking Standards
- DP23 - Managing Flood Risk

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- The Countywide Parking Strategy (2013)

Assessment of relevant issues:

Principle of the Use:

The application site is located in the open countryside and outside of any development limits, as defined in the Local Plan, where development is strictly controlled.

The strategic Core Policies within the Local Plan which seek to prevent new housing outside the development limits as referred above are now out of date and therefore can not be attributed full weight in the decision making process. In addition, and as a result of the adoption date of LP1, the Local Planning Authority (LPA) cannot currently demonstrate a 5 year housing land supply in accordance with the requirements of the NPPF. Therefore, whilst regard is had to the specified policies in the Local Plan, the policies in the NPPF are engaged and have substantial weight.

As such, Paragraph 11(d) will be taken into account in determining this application, where the LPA will make an assessment as to whether any adverse impacts of the development would be significantly and demonstrably outweighed by the benefits associated with the proposal.

The policies within the NPPF seek to direct new residential development towards sustainable locations and, similar to CP4, a number of exceptions are provided for within paragraph 80 where a dwelling in the countryside might be acceptable.

However, paragraph 80 reads:

"Planning policies and decision should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply..."

Whilst falling outside of designated development limits, the proposal falls on the edge of the built village of Butleigh, a Primary Village as designated by the Local Plan, with the development limits ending on the eastern side of Sub Road, opposite the application site.

The village falls 3km south of Street as the closest principle settlement designated by the Local Plan with regular bus services linking the two. The village itself is served by the following services: a school, post office and village stores and a Church.

It is therefore considered that residential development as proposed here would not be isolated, when judged against the policies in NPPF framework .

Although there is a dwelling already on the site, this only benefits from a temporary permission and as such cannot be used as a material fall back position.

Finally, the site lies within the Somerset Levels and Moors Ramsar Risk Area where there is the potential to result in additional harm to already unfavourable condition of the Ramsar Area. Mitigation has been proposed to offset this harm which is discussed further below.

Character and Design

The scheme as proposed is for a 1.5 storey dwelling to the south west of the existing large barn, with associated access and landscaping. The details of the design are held back for reserved matters but the principle of a 1.5 storey dwelling on this site would be considered acceptable in terms of impact on the character of the area subject to a condition which restricts the height of the dwelling given its semi-rural location on the edge of the village. A hedge row is proposed along the western boundary which will screen the development from the public footpath that runs north to south along this edge of the site.

Impact on Residential Amenity:

Given the rural nature of the site there are no residential dwellings within close proximity which would likely be impacted by the proposed dwelling however full consideration of the impact on neighbouring residential amenity will be considered at reserved matters stage.

Assessment of Highway Issues:

The application proposes to utilise the existing access which already serves the temporary dwelling, to be demolished, and the existing agricultural building on site. The demolition of the temporary dwelling would result in the net number of properties on the site remaining the same and as such it's not considered additional vehicle movements would be created as a result of this application. The existing access onto Sub Road has good visibility in both directions.

There is ample space within the site for the parking and turning of vehicles and further consideration of the parking requirements can be undertaken at the reserved matters stage and secured through condition.

The means of access and parking arrangements are acceptable and maintain highway

safety standards. The proposal accords with Policy DP9 and DP10 of the adopted Local Plan Part 1 (2014) and part 4 of the National Planning Policy Framework.

Ecology

An Extended Habitats Survey undertaken by Country Contracts dated May 2023, was submitted with the application. No evidence of roosting bats was recorded on site, with the existing timber dwelling being assessed as having a negligible potential for roosts however a number of suggested mitigation methods have been suggested by the licenced ecologist in the Survey which can be secured through condition. No reptiles, badgers or nesting birds are found to be present within the site. Providing mitigation and enhancement measures are followed, no adverse impacts to bats or nesting birds are predicted. Informatives reminding developers of the legal protection afforded to badgers and their resting places, as well as breeding birds, are to be attached to any permission.

As the application has not included a detailed lighting plan, the standard lighting for bats condition is recommended as well. Due to the sensitive rural setting and the ecological sensitivity of the site, this is considered reasonable and necessary.

The application site falls within the catchment flowing into the Somerset Levels and Moors Ramsar, designated for its rare aquatic invertebrates. The Ramsar is in 'unfavourable condition' or at risk from the effects of eutrophication caused by excessive phosphates. As such, any new housing development is likely to give rise to additional phosphates within the hydrological catchment. Mitigation is therefore required to ensure that the development achieves nutrient neutrality.

The submitted Nutrient Neutrality and Mitigation Strategy (NNAMS) identifies that the proposal would result in an increase in phosphorous in the catchment of the Ramsar site. There is currently a temporary dwelling located on site which discharges to a septic tank with a final discharge to water however as this is a temporary dwelling it's not able to be used as a fall back position in terms of phosphate mitigation and the site must be considered as undeveloped land. To achieve nutrient neutrality, an existing septic tank serving Hill Farm Cottage will be upgraded to BS certified package sewage treatment plant. The mitigation site is in the same Brue catchment as the application site. With the mitigation in place at Hill Farm Cottage, the phosphate budget arising from the proposed development would be off-set and therefore there would be no adverse effects on the Somerset Levels and Moors Ramsar site.

Sufficient information has been submitted, in the form of a shadow habitats regulation assessment, to conclude that the proposed mitigation would be acceptable and there would be no significant increase in phosphate levels within the Brue catchment area of the Somerset Levels and Moors Ramsar Site resulting from this development and as such a

Likely Significant Effect alone and in combination under The Conservation of Habitats and Species Regulations 2017 (and as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) can be ruled out. This mitigation will need to be secured through a legal agreement as it's not within the red line area of the primary site.

Given that the site is already highly maintained as part of the curtilage of the temporary dwelling, it's not considered to have potential for prime ecological habitat and therefore no other ecology concerns are raised in relation to this application.

Given the above, and subject to the relevant conditions and legal agreement to secure the phosphate mitigation and biodiversity net gain, the development therefore complies with Policies DP5 and DP8 of the adopted Local Plan Part 1: Strategy and Policies 2006-2029 (Adopted 2014), and Part 15 of the National Planning Policy Framework.

Equalities Act

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Conclusion & Planning Balance:

The proposal, whilst outside of designated development limits the site is not considered to be a remote location and is readily accessible to the services and facilities that are within Butleigh. It is noted that the application scheme will contribute a single dwelling towards the stock of housing across the district.

Whilst the benefits of the application are considered limited in scope given that no design, amenity, highway safety and/or ecology issues have been raised through the assessment of the application, the titled balance promoted by Paragraph 11d is considered to apply in this case with planning permission being recommended as a departure from the development plan.

The application is therefore recommended for approval subject to the conditions as set out below and to the provisions of a legal agreement to secure the phosphate mitigation as referred above.

Recommendation

Approval

Conditions

1. **Outline Time Limit (Compliance)**

The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

2. **Reserved Matters (Pre-commencement)**

Approval of the details of the (a) layout (b) scale (c) appearance and (d) landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

3. **Reserved Matters Time Limit (Compliance)**

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

4. **Plans List (Compliance)**

This decision relates to the following drawings: F1697_001D

Reason: To define the terms and extent of the permission.

5. **Demolition of Existing Dwelling (Pre-Occupation)**

No occupation of the dwelling hereby approved shall commence until the temporary dwelling on site has been demolished to ground level and the site returned to its former condition or that agreed with the Local Planning Authority,

Reason: The site is within the Somerset Levels and Moors Ramsar Risk Area and the demolition of this temporary dwelling will prevent a harmful increase in phosphate loading which would result if both dwellings were present on site. This is in

accordance with Policy DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Informatives

1. **Condition Categories**

Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

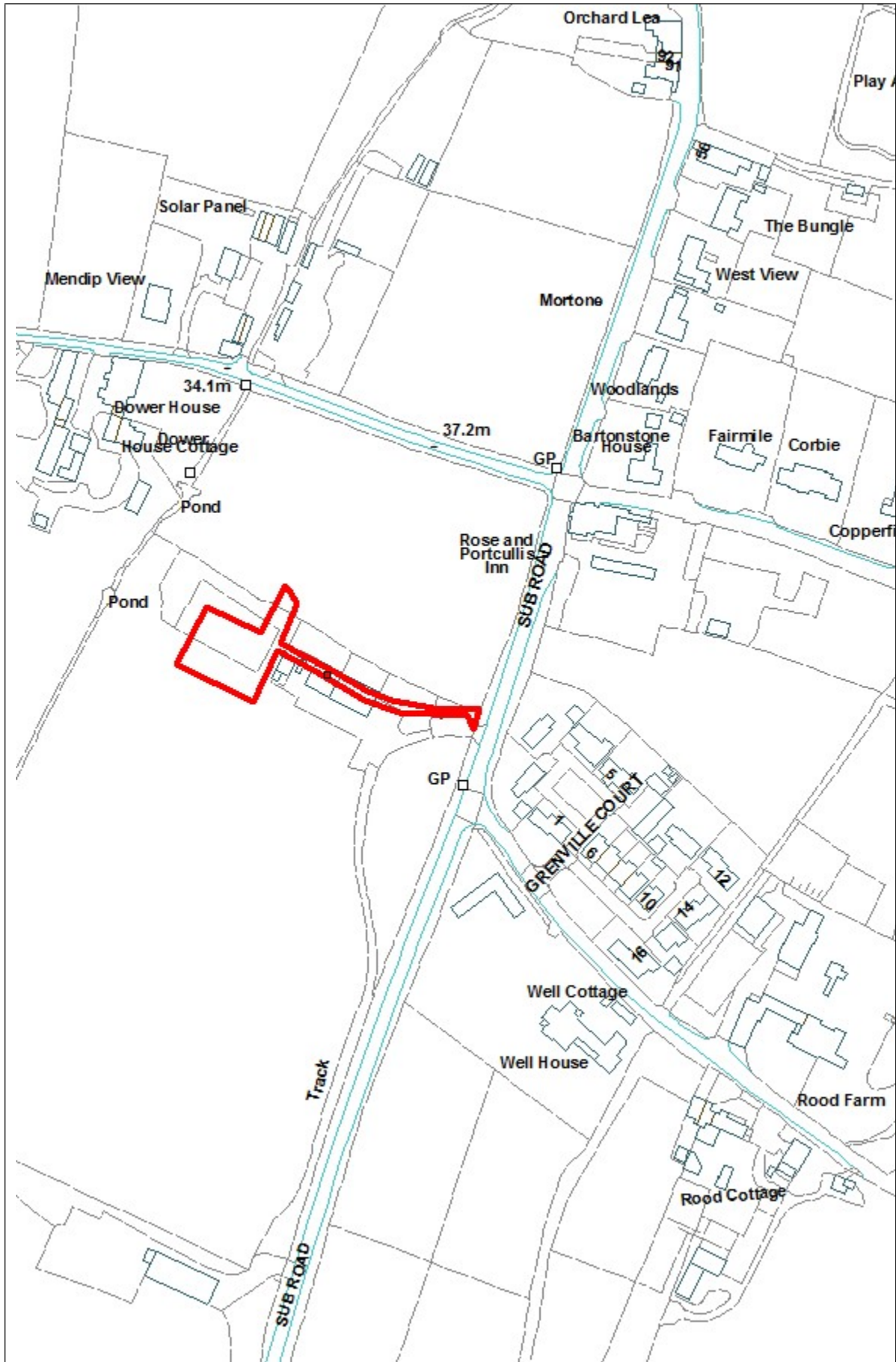
Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 116GBP per request (or 34GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

2. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme

is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.

3. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
4. Please note that your proposed work may also require Building Regulations approval, which is a separate consent process to the consideration of a planning application. The Council's Building Control team are available to provide Building Regulations advice from pre-application stage to completion of a development and can be contacted on 0300 303 7790. Further details can also be found on their website <https://buildingcontrol.somerset.gov.uk/>
5. Due to the former use of the site a watching brief should be kept for potential hotspots of contamination and assess for visual/olfactory evidence of contamination during any groundworks.
If any unforeseen contamination is found during excavations Environmental Health must be notified immediately. This may include obvious visual or olfactory residues, asbestos including asbestos containing materials such as roofing, buried drums, drains, interceptors, additional fuel storage tanks or any other unexpected hazards that may be discovered during site works.



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Application Number	2023/1036/FUL
Case Officer	Kirsty Black
Site	Land North Of Wallbridge Gardens Frome Somerset
Date Validated	9 June 2023
Applicant/	D Kelley
Organisation	DJ Kelley Homes Ltd
Application Type	Full Application
Proposal	Erection of 1no. dwellinghouse.
Division	Frome East Division
Parish	Frome Town Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Shane Collins Cllr Helen Kay

///turned.mice.worry

Referral

The application is to be presented at Planning Committee on the recommendation of the Vice Chair and Chair of the Planning Committee after the planning application was referred.

Description of Site, Proposal and Constraints:

The application relates to a narrow, wedge-shaped parcel of wasteland lying to the north-east of Wallbridge Gardens and to the north-west of Great Western Street. The site itself occupies space between a rank of garages and the modern flat development on Great Western Road and comprises grass and scrub vegetation. The site is accessed using a narrow access lane (that leads to a row of garages to the rear of the Wallbridge Gardens properties) that cuts between the rows of residential properties belonging to Wallbridge Gardens.

The site falls within Frome development boundary and lies within the Mells Valley Bat Consultation Zone and BSG Coal Resources Areas.

This application seeks full planning consent for the erection of a two bedroom, detached, residential dwelling. The proposed house will occupy the former garden belonging to a 4 bedroom, detached, residential dwelling recently approved under planning application reference 2022/1723/FUL. The proposed dwelling will be sited to the immediate south east of the approved dwelling.

The proposed dwelling is two stories high with a mono-pitched zinc roof and walls edged in brick. The dwelling provides residential accommodation in the form of kitchen, living room and dining space on the ground floor and two bedrooms occupying the first floor. Vehicular parking at the site comprises the use of an existing garage, one of several garages that front of the application site, and the creation of an off-street parking space at the south end of the site. There will be no driveway or ability to turn vehicles within the application site.

Relevant History:

2023. 2022/1723/FUL. Erection of 1no. dwellinghouse. Approved with conditions.

Summary of Ward Councillor comments, Town/Parish Council comments, representations and consultee comments:

Divisional Members: Two responses received: Councillor Collins raises no objection to the proposal and Councillor Kay objects to the proposal on the grounds of over development of the site, poor access arrangements and the detrimental impact on residential amenity.

Frome Town Council: Raises no objection to the proposal.

Highways Development Officer: Standing Advice applies.

Local Representations: No comments received.

All adjoining neighbours were consulted.

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies (Post JR)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Frome Neighbourhood Plan (2016)

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1 – Mendip Spatial Strategy
- CP2 – Supporting the Provision of New Housing
- CP6- Frome Town Strategy
- DP1 – Local Identity and Distinctiveness
- DP5 – Biodiversity and Ecological Networks
- DP6 – Bat Protection
- DP7 – Design and Amenity of New Development
- DP8 – Environmental Protection
- DP9 – Transport Impact of New Development
- DP10 – Parking Standards

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)
- Frome Design Statement (SPD 2015)

Assessment of relevant issues:

Principle of the Use:

This application site is located inside of the Development Limits of Frome, defined as a Principal Settlement, where new development would be considered sustainable and accords with the requirements of policies CP1 and CP2 of the Local Plan Part 1 and Para 11 of the NPPF. The principle of development inside development limits is therefore considered acceptable.

However, as will be described in detail below, the proposal is not considered to meet the tests of good design because the proposal is not in keeping with the character and appearance of the area and would be cramped and contrived. The proposal would also be detrimental to the amenity of the recently approved so called “host” dwelling and would not provide adequate amenity for the proposed dwelling. In summary the harm of the proposal would in this case, significantly and demonstrably outweigh the benefits. The proposal is therefore considered to be unacceptable.

Design of the Development and Impact on the Street Scene and Surrounding Area:

Part 12 of the NPPF places greater emphasis on LPAs to consider the design of proposals. Decisions should ensure that developments will function well and add to the overall quality of the area over the lifetime of the development. Further to this, places should promote health and well-being. The NPPF does encourage efficient use of land, but this should not be at the expense of the local environment.

DP1 of the Mendip District Local Plan states that development should contribute positively to the maintenance and enhancement of local identity, and proposals should be formulated with an appreciation of the built and natural context. Policy DP7 states that the LPA will support high quality design, and that development should be of a scale, mass, form, and layout appropriate to the local context.

The application site falls within a residential area of Frome characterised by rows of Victorian terraced housing and lies near to historic Wallbridge Mills and Garston Road. The application site is a narrow sloping site that is tucked away behind behind 1980s housing and there is no access. It is squeezed between ranks of garages and high rise flat development, is exposed with no privacy or effective boundary treatment providing any screening. It is a long (approximately 36m) site with restricted available space.

The proposal is considered to represent backland development, which has a more intensive use than the proposed ancillary garden space that was approved as part of the development to construct a detached 4-bedroom house with associated parking under reference 2022/1723/FUL. The construction of yet another significant structure further subdivides the original plot of land, and the resultant small-scale site is insufficient to accommodate the new development satisfactorily. It is considered that the siting of the development would be cramped, the proposed dwelling almost completely filling the north-western half of the site, contrived and awkward and possess little garden amenity space for future occupiers.

Whilst it is acknowledged that the proposed house would not look out of place in terms of style and design given its similarity to the already approved four-bedroom house, it would be visible from the public realm along Great Western street and is considered that the proposal would constitute over-development and is inappropriate in the setting. Thus, having a detrimental impact to the appearance and character of the surrounding area.

The development is considered to have an inappropriate location- wedged between high rise flat and ranks of garages- and would be continually overlooked with very little privacy. The proposal represents back-land development that is ill suited to its local context, and harmful to the street scene and the wider character of this distinctive area. The proposal if

recommendThe proposal is therefore contrary to Development Policies 1 and 7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Residential Amenity:

The NPPF's (Part 12) emphasis on good design includes requiring places to promote health and well-being with a high standard of amenity for existing and future users.

The Design and Amenity of New Development SPD supports *“good quality design which respond to its surroundings ensuring that the amenity of current and new occupiers is protected. Proposals should ensure that the development is “fit for purpose; durable; and brings delight” in accordance with the definition of good design set out in Paragraph 4 of the National Design Guide. Proposals should also ensure that these qualities are not lost from buildings and spaces surrounding it.”*

The site would take-up the majority of private outside amenity space to be used by the future occupiers of the approved dwelling to the north-west, leaving only a small garden area directly to the rear. The front amenity space being utilised as a driveway and as an area for parking. The loss of the outside amenity space for the approved dwelling is considered to be to the detriment of the amenity of the occupiers of the approved dwelling, but also results in a loss of valued amenity space for the proposed dwelling too.

It is acknowledged that attempts have been made to minimise issues of overlooking, particularly with the fenestration at first floor level to the north-west elevation being set back from the building edge and providing light to a staircase and bathroom. However, the proposed dwelling would only have a limited outlook, confined by the presence of surrounding residential development, some of which is over 3 stores high and the restricted nature of the application site.

Taking into account the assessment as set out above there is significant concern over the loss of private amenity space for the future occupants of the already approved dwelling and for the future occupants of this proposal. The proposal is considered to constitute overdevelopment and the resultant poor amenity space for both potential future occupiers of the land is considered to be contrary to Development Policy 7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework

Assessment of Highway Issues:

The access for the proposed dwelling would be via an existing access running between the Wallbridge Gardens properties leading to rank of garages. However, the proposed dwelling will not have direct vehicular access with parking spaces being provided using an existing

garage, one of a row of garages abutting the southern site boundary, and through the creation of an off-road parking space at the lowest southwest corner the site. The turning of vehicles will therefore take place on available land outside the site.

The addition of another property in this location is unlikely to result in a significant increase in traffic movements which would be detrimental to local highway safety over and above the existing situation. The parking space provision on site together with additional on-street parking found locally complies with the Somerset Parking Strategy and is therefore considered sufficient.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with Development Policies 9 and 10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

Environmental Impact Assessment

This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Equalities Act

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Planning Balance:

The proposed development would result in a single additional dwelling where there is a shortfall and generates associated economic activity that would support local shops and facilities.

The developed proposed however would be a cramped and contrived and does not satisfactorily relate to the local context. It would also be to the detriment of the amenity of the future occupiers of the already approved 4 bedroom dwelling (under planning ref. 2022/1723/FUL), by removing the majority of outside amenity space, and would result in a poor living environment for the future occupiers of the proposed dwelling being considered.

On balance therefore, the proposed dwelling is considered to generate significant and demonstratable harms that are not outweighed by the benefits.

Conclusion:

It is recommended that planning permission is refused.

Recommendation

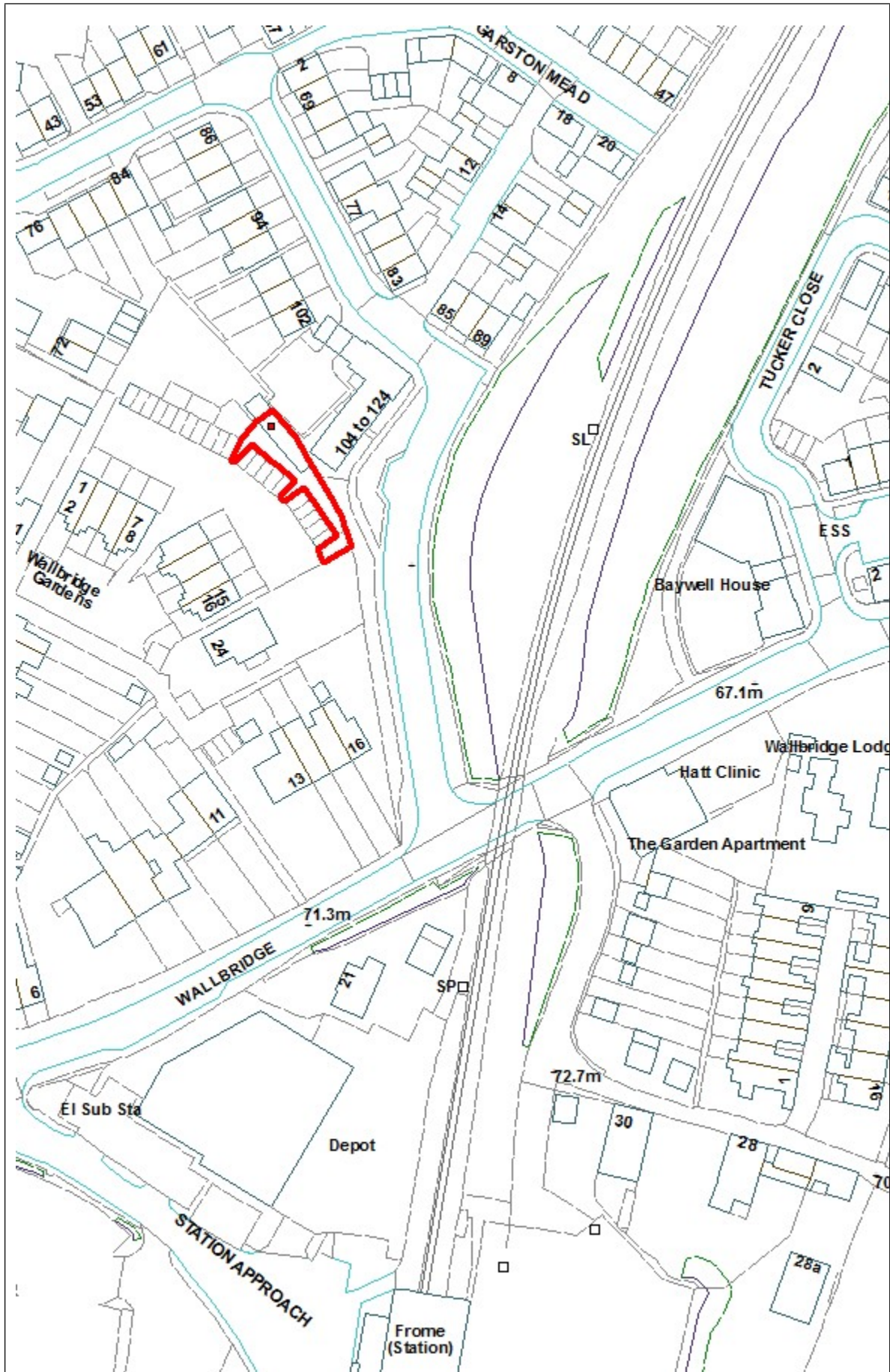
Refusal

1. The proposed development would result in the removal of the majority of private outside amenity space that would be enjoyed by the future occupants of the approved four-bedroom dwelling bounding the site to the northwest, which would be to the detriment of the amenity of the occupiers of that dwelling. In addition, given the limits and constraints of the site, the proposals would result in a poor outlook for the future occupiers of the proposed dwelling with minimal garden amenity for the occupiers of the proposed dwelling. On this basis the proposal are therefore considered to be contrary to DP7 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014).
2. The proposed dwelling, by virtue of the scale and massing of it and the site location represents overdevelopment and would not satisfactorily relate to the local context. The proposal is therefore contrary to DP1 and DP7 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014) and part 12 of the National Planning Policy Framework.

Informatives

1. This decision relates to drawings 1175/1 EXISTING AND PROPOSED BLOCK PLANS AND ELEVATIONS and 1175/3 PROPOSED SITE PLAN received on 8th June 2023 and 1175/2 PROPOSED FLOOR PLANS AND ELEVATIONS received on 7th of August 2023.

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Application Number	2023/1184/FUL
Case Officer	Lorna Elstob
Site	Bridge Farm West Lane To Millford Lane Alhampton Shepton Mallet Somerset
Date Validated	23 June 2023
Applicant/ Organisation	R Hutton
Application Type	Full Application
Proposal	Existing agricultural barns on site to be demolished and replaced with 4 no. dwellinghouses.
Division	Mendip South Division
Parish	Ditcheat Parish Council
Recommendation	Approval with Conditions
Divisional Cllrs.	Cllr Claire Sully Cllr Alex Wiltshire

What3words: wool.frown.phantom

Scheme of Delegation:

As this application is a departure from the development plan, the scheme of delegation requires that it is referred to Planning Committee.

Description of Site, Proposal, and Constraints:

The existing Barns and B are two disused barns with 4 other barns also disused on the site. The site is accessed via a track from the Alhampton-Ditcheat road, which also gives access to the adjacent house and office building fronting the main road.

Building A is a steel frame construction with blockwork walls and profiled siding to the gable ends. The building features a pitched roof of corrugated metal with timber purlin structure. The barn has openings to either side of its south elevation.

Building B is a steel frame construction with blockwork walls and profiled metal siding. The building features an asymmetrical pitched roof of fibre board with timber purlin structure. The barn is open fronted along its north elevation and has a doorway opening in its East elevation.

The proposal is for the demolition of the barns and the erection of 4 dwellings with associated amenity space and parking for each dwelling. The site is located outside of the development limits. in a rea of High Archaeological Potential and within a RAMSAR Site

Relevant History:

2022/1251/PAA - The application seeks the change of use of the existing agricultural building into 2 smaller dwellinghouses (Class C3) under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Part 3, Class Q and for associated operational development. Prior approval given.

2022/1252/PAA - Prior Approval for a proposed change of use of agricultural building into two "larger" dwellinghouses (Class C3) under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Part 3, Class Q and for associated operational development. Prior approval given.

2022/2021/FUL - Conversion of 2no. Agricultural Barns to 4no. residential dwellings. Approved 24.02.2023.

Summary of Division Member comments, Parish Council comments, representations, and consultee comments:

Division Member: No comments received.

Ditcheat Parish Council: The Parish Council supports the granting of permission with the comment that the proposed scheme for four dwellings is a better design than the original design for four dwellings.

Highways Development Officer: No objection subject to inclusion of conditions.

Contaminated Land: Watching brief.

Environment Agency: No comments were received in response to the consultation.

Local Representations:

2 letters of objection have been received raising the following planning issues:

- Highways
- Flood risk
- Amenity

3 letters of making neutral comments were received.

It is noted that multiple comments were received from some individuals – these are counted as a single comment.

Additionally, the following issues not relevant to planning were raised:

- Assumed future development
- Loss of view

Full details of all consultation responses can be found on the Council's website www.mendip.gov.uk

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations strongly indicate otherwise. The following development plan policies and material considerations are relevant to this application.

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies (December 2021) (post JR version)

The following policies of the Local Plan Part I are relevant to the determination of this application:

- CP1: Spatial Strategy
- CP2: Housing
- CP4: Sustaining Rural Communities

- DP1: Local Identity and Distinctiveness
- DP6: Bat Protection
- DP7: Design and Amenity
- DP8: Environmental Protection
- DP9: Transport Impact of New Development
- DP10: Parking Standards

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)

- National Planning Practice Guidance (NPPG)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)
- Supplementary Planning Document Design and Amenity of New Development; Guidance for interpretation of Local Plan Policy DP7 (March 2022)
- Environment Agency Standing Advice
- National Character Area Profile: 141. Mendip Hills (NE416), published by Natural England on 20 March 2013 (<http://publications.naturalengland.org.uk/publication/5370593?category=587130>).

Assessment of relevant issues:

Principle of the Use:

Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination then that determination must be made in accordance with the plan unless material considerations indicate otherwise.

The application site is situated within the open countryside where under core policy CP1, development is strictly controlled. It seeks to focus development in the towns and villages. Policy CP2 sets out where new housing should be located. As the proposed conversion is within the open countryside, it would conflict with the Council's overall spatial strategy.

Policy CP4 sets out some exceptions where new residential development in rural locations may be acceptable. This includes rural affordable housing where there is evidence of local need and accommodation for occupational dwellings to support rural based enterprises. The application does not meet these criteria and therefore conflicts with Policy CP4.

The Local Planning Authority (LPA) is not currently able to demonstrate a five-year supply of housing land. This means that policies in the Local Plan that are related to the delivery of housing, Core Policy 1 (CP1) and Core Policy 2 (CP2), are given reduced weight. As a consequence of not being able to demonstrate a five-year supply, the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the National Planning Policy Framework (NPPF) applies. However, permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF policies taken as a whole or where its specific policies indicate that development should be restricted.

The site is already subject to several permissions as detailed above as well as an extant planning permission for the conversion of four dwellings. This would represent a fall back position. Consideration must be given as to whether this fall back position would justify departing from the Development Plan and in particular policies CP1, CP2 and CP4.

The development as proposed results in a betterment over the existing approvals, allowing for a more contextually designed scheme to be delivered and sustainable construction/renewable energy methods to be secured. Given the improvement over the fallback position, and the lack of 5 year land supply, a departure from the Local Plan is considered justified, and the development can be supported in principle.

Design of the Development and Impact on the Street Scene and Surrounding Area:

DP1 states that development should contribute positively to the maintenance and enhancement of local identity, and proposals should be formulated with an appreciation of the built and natural context. DP7 states that the LPA will support high quality design, and that development should be of a scale, mass, form, and layout appropriate to the local context.

DP4 states proposals for development that would, individually or cumulatively, significantly degrade the quality of the local landscape will not be supported. The determination of planning applications will consider efforts made by applicants to avoid, minimise and/or mitigate negative impacts and the need for the proposal to take place in that location.

The previously approved residential properties were from the conversion of the existing barns on the site. This provided very industrial looking dwellings which bore little relation to the design and scale of other properties within the area. This proposal creates 4 detached dwellings which are much more in keeping with the surrounding area. The proposed materials (grey local natural stone and blockwork) will be more reflective of material used in the locality.

The proposed dwellings will not appear out of keeping with other development in the area. The application includes a landscaping scheme, but it is considered that further details of matters such as planting and boundary treatment is needed, to ensure that the development integrates successfully in the rural landscape. Close boarding fencing should be avoided at the boundary edge where possible. An updated landscape plan can be secured through a condition on any planning permission.

The proposal by reason of its design, siting, scale, massing, layout, and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with Development Policies

1 and 7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Neighbouring Residential Amenity:

The proposed detached dwellings are designed and positioned within the site to ensure that there is no adverse impact on existing nearby properties and also on the other properties within the proposal. Their gardens and garages ensure that none of the dwellings have an overbearing or overlooking impact on the adjacent properties.

The nearest proposed dwelling is positioned approximately 35m away from “Ashburton”. Due to this distance there are no concerns with regards to loss of privacy or amenity as a result of the proposal.

Given the design, scale, massing, and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, odour, traffic, or other disturbance. The proposal accords with Development Policy 7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Ecology:

The application site is mapped by Natural England as falling within the water catchment flowing into the Somerset Levels and Moors Ramsar site, designated for its rare aquatic invertebrates, which is currently in an unfavourable condition. However, given the application site has a realistic fallback position it would be a “like for like” with regards to phosphate output. It is therefore considered unlikely that the proposed development would pose a risk to the designated features of the SPA and Ramsar, and the LPA has taken the view that a Habitats Regulations Assessment in this instance is not required.

Subject to an acceptable lighting scheme, the proposed development will not have an adverse impact on bats or other ecology. The proposal accords with Development Policies 5 and 6 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Assessment of Highway Issues:

During the course of the application minor amendments were made to the details and layout to overcome the original concerns expressed by Highways.

Drawing 1464/062 Rev B shows the final proposed layout which does not raise any cause for concerns with Highways, subject to the inclusion of conditions with regards to EV charging and bicycle parking.

The proposal includes the provision of parking spaces, for each dwelling, that meet the standards required by Standing Advice. In addition, the proposal includes turning space, in accordance with Standing Advice, to allow vehicles to enter and leave the site in forward gear.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with Development Policies 9 and 10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

The site lies within an area of high archaeological potential. The Officer did not consider the development would endanger any archaeological remains. Therefore, it is considered the proposal accords with Development Policy 3 of the adopted Local Plan Part 1 (2014), and Part 16 of the National Planning Policy Framework.

Land Drainage:

The NPPF, paragraph 167, states that when determining any planning applications, LPAs should ensure that flood risk is not increased elsewhere.

Development Policy 8 (DP8) states that *“all development proposals should minimise, and where possible reduce all emissions and other forms of pollution”*. Point 1 of DP8 states *“Development (either cumulatively or individually) will be required to demonstrate that it does not give rise to unacceptable adverse environmental impacts on [amongst other things]*

- *the quality of water resources, whether surface river or groundwater [and]*
- *public health and safety”*.

Development Policy 23 (DP23) states that *“all developments will [also] be expected to incorporate appropriate water management measures to reduce surface water run-off and ensure that it does not increase flood risks elsewhere. This should include the use of sustainable urban drainage systems (SUDS)”*.

Foul drainage is proposed to be directed to the main sewer, which is considered the most appropriate solution in accordance with the foul drainage hierarchy.

The risk of flooding to the proposed development has been assessed in accordance with the NPPF. The site is located 60m to the south of the River Alham and a small portion of the site is shown to be at risk of fluvial flooding from this watercourse without taking local

flood defences into consideration. However, there are defences in place and mitigation measures have been proposed to ensure that the development is safe for the development lifetime. All other sources of flooding to the site were assessed to be low.

There is a reduction in impermeable area as part of the proposals, nevertheless, Sustainable Drainage Systems (SuDS) have been proposed to offer a significant betterment over the existing drainage regime through reducing runoff rates and offering water quality benefits, amenity and biodiversity benefits.

Due to the location of the access to the site being within flood zone 2 it would be standard for a sequential test to be required. Due to the flood defence work that has previously been undertaken within the locality and the actual development being outside of the flood zone, alongside the fallback position, a pragmatic approach has been taken with this proposal and a sequential test has not been required.

It is also noted that the development is sited near to a main river and as such the Environment Agency were consulted on the application. They did not provide any comments.

The proposed development will not have an adverse impact on flood risk or represent a danger to water quality. The proposal accords with Development Policies 8 and 23 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Land Contamination:

The site is within agricultural land which has the potential for hotspots of contamination. However, the Contaminated Land Officer did not object to the proposal. An informative note was suggested to be added to the decision notice. If approved, the advice would be included as described.

Subject to the conditions requested by the Land Contamination Officer, the proposed development would not have an adverse impact on site workers or future occupants and users of the site. The proposal accords with Development Policy 8 of the adopted Local Plan Part 1 (2014) and Parts 11 and 15 of the National Planning Policy Framework.

Sustainability and Renewable Energy:

The submission explains that the proposed dwellings will be built to a high level of construction and environmental performance in order to minimise energy losses through the fabric. Limited information has been submitted to ensure that the development is fully compliant with the relevant part of DP7 which requires that development will maximise opportunities for sustainable construction techniques, sustainable drainage systems,

renewable energy generation on site, the use of ware efficiency measures, and recycling opportunities. These matters can be secured via a condition on any permission.

Refuse Collection:

The site is considered capable of providing adequate refuse and recycling storage for the proposed dwellings.

Environmental Impact Assessment:

This development is not considered to require an Environmental Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Equalities Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Other Matters:

Concerns were expressed by local residents with regards to future development on the site. Consideration can only be given to the proposal as set out in the application form and drawings that have been submitted. Any future development would require a further application which would then be considered on its own merits.

Recommendation

Approval with Conditions

Conditions

1. Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as

amended) and to avoid the accumulation of unimplemented planning permissions.

2. **Plans List (Compliance)**

This decision relates to the following drawings: 002, 003, 005, 1464/060, 1464/061, 1464/062/B, 1464/063/B, 1464/070, 1464/071, 1464/072, 1464/073, 1464/074, 1464/075, 1464/076, 1464/077, 1464/078, 1464/085, 1464/086, 1464/087, 1464/088, 1464/089, 1464/090, 1464/091, 1464/092, 1464/093, 1464/094.

Reason: To define the terms and extent of the permission.

3. **Sample Panel - Walling (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Development Policies 1 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Bicycle Storage (Pre-occupation)**

No occupation of the development shall commence until bicycle storage for at least F1450/300D bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of cycling in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **EV Charging Points (Bespoke Trigger)**

Each dwelling shall not be occupied until it is served by an electric vehicle charging point. Each charging point must be at least 7kW, an untethered connection i.e., only a socket without a built-in cable, and capable of Mode 3 charging.

Reason: To encourage use of electric vehicles and reduce carbon dioxide emissions in accordance with Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014) and the Mendip District Council Supplementary

Planning Document Design and Amenity of New Development: Guidance for interpretation of Local Plan Policy DP7 (adopted March 2022).

6. **Water Efficiency - Rainwater Harvesting (Pre-occupation)**

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of water efficiency in accordance with policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014)

7. **Sustainable construction (Bespoke trigger)**

Prior to the commencement of development above ground level on the dwellings hereby approved, a Sustainability Strategy Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate how the development has incorporated reasonable and practical measures for the use of sustainable construction techniques, renewable energy on site and water efficiency measures. The development will thereafter be carried out in full accordance with the approved details.

Reason: To ensure that sustainable construction and renewable energy opportunities are maximised in accordance with DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

8. **Biodiversity Enhancement (Net Gain) (Pre-occupation)**

No occupation shall commence until the following have been installed within the application site:

- a. Five Habitat 001 bat boxes or similar will be built into the dwellings at least four metres above ground level and away from windows of the west or south facing elevation (one on each dwelling)
- b. Five Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevations (one on each dwelling)
- c. Tree and native shrub planting; All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night flying moths which are a key food source for bats. The Royal Horticultural Society guide, RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators provides a list of suitable plants both native and non-native. All new trees planted on site should ideally be from local native

stock, such as field maple, ash, hornbeam, dogwood, spindle and beech.

d. Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site

e. The new hedgerow/s to be planted up with native species comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle. The hedgerow will be ancient coppiced and laid on reaching maturity and cut on a 3-year rotation thereafter.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

f. Five bee bricks built into the wall about 1 metre above ground level on the south or southeast elevation of the dwellings (one on each dwelling). Please note bee bricks attract solitary bees which do not sting.

9. **Hard and Soft Landscaping (Pre-occupation)**

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

(a) size, species and positions for new trees and plants,

(b) boundary treatments,

(c) surfacing materials (including roadways, drives, patios and paths) and

(d) any retained planting.

(e) a detailed programme of implementation

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season either with the same tree/plant as has previously been approved, or with other trees or plants of a species and size that have first been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policy DP1, DP3, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

10. **External Lighting (Bespoke Trigger)**

No new external lighting, other than that shown on the approved plans, shall be installed within the boundary of the application site unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, number, luminance, angle

of illumination and type of each luminaire or light source and a lux diagram showing the light spill from the scheme. The lighting shall thereafter be installed, operated, and maintained in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Informatives

1. Condition Categories

Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

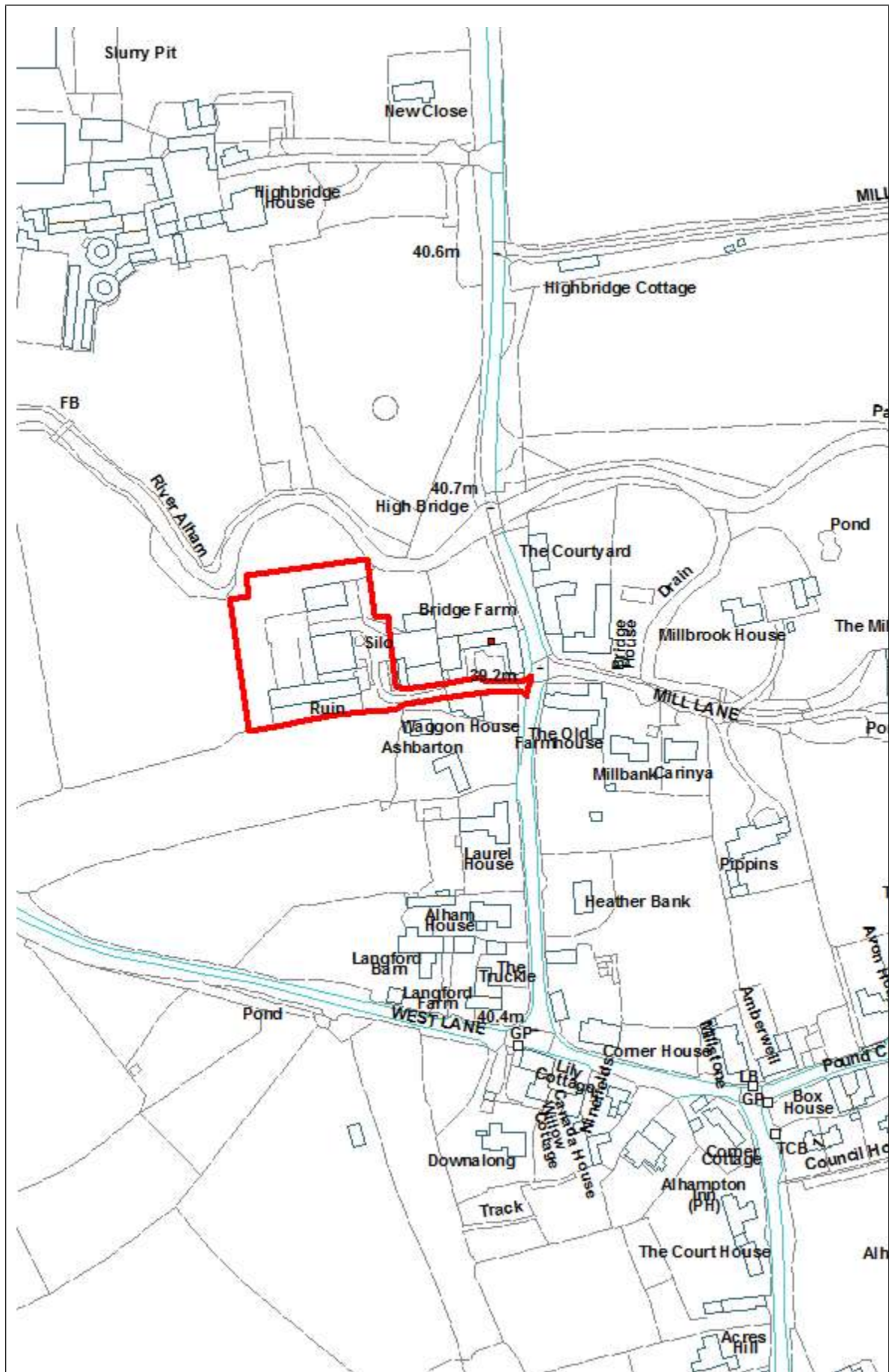
Please note all conditions should be read fully as these headings are intended as a guide only.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 145GBP per request (or 43GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the Planning Portal, see council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or

Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

2. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
3. In order to discharge conditions relating to the approval of external walling and roofing materials, please ensure that materials are left on site for approval and NOT brought to the Council Offices. When applying for the approval of materials, you must state precisely where on site any samples have been made available for viewing.
4. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.
5. Please note that your proposed work may also require Building Regulations approval, which is a separate consent process to the consideration of a planning application. The Council's Building Control team are available to provide Building Regulations advice from pre-application stage to completion of a development and can be contacted on 0300 303 7790. Further details can also be found on their website <https://buildingcontrol.somerset.gov.uk/>



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Planning East – Appeal Decisions

Please see below list of appeal decisions made by the Planning Inspectorate between 17th November 2023 and 19th December 2023.

Full details of all appeals, can be found on the Council's website <https://publicaccess.mendip.gov.uk/online-applications/>

Enforcement Reference	ENF/2020/0073
Site Address	Moors Barn, March Road, Standerwick, Frome
Appellant/Organisation	C Luxmoore (Hemp Construction Ltd)
Appeal Type	Appeal Against Enforcement Notice
Appeal Decision	Appeal Allowed
Appeal Decision Date	08.12.2023

Enforcement Reference	ENF/2020/0073
Site Address	Moors Barn, March Road, Standerwick, Frome
Appellant/Organisation	D M Van Tromp
Appeal Type	Appeal Against Enforcement Notice
Appeal Decision	Appeal Allowed
Appeal Decision Date	08.12.2023



Appeal Decisions

Inquiry held on 1-3 November 2023

Site visit made on 31 October 2023

by **Paul Dignan MSc PhD**

an Inspector appointed by the Secretary of State

Decision date: 08 December 2023

Appeal A: APP/Q3305/C/22/3305403

Moors Barn, Marsh Road, Standerwick, Frome, Somerset, BA11 2PZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Coryndon Luxmoore (Hemp Construction Ltd) against an enforcement notice issued by Mendip District Council.
 - The notice, numbered ENF/2020/0073, was issued on 22 July 2022.
 - The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised change of use of the land from a mixed use of agricultural, equestrian and the stationing of residential caravans to a mixed use of agricultural, equestrian, the stationing of additional residential caravans and the carrying out of commercial and industrial uses.
 - The requirements of the notice are: 1. Cease the use of the land for commercial and industrial uses; 2. Cease the residential occupation of any caravan unless otherwise in accordance with the terms of planning permissions 116987/003 and 2014/0250/VRC; 3. Remove from the land all caravans unless otherwise stationed in accordance with the terms of planning permissions 116987/003 and 2014/0250/VRC; and 4. Restore the land to its previous condition before the breach took place.
 - The periods for compliance with the requirements are: Requirement 1 and 2 - 6 months; Requirement 3 - 9 months; and Requirement 4 - 12 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (d), (f), and (g) of the Town and Country Planning Act 1990 as amended. The application for planning permission deemed to have been made under section 177(5) of the Act also falls to be considered.
-

Appeal B: APP/Q3305/C/22/3305404

Moors Barn, Marsh Road, Standerwick, Frome, Somerset, BA11 2PZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Ms Dilys Mary Van Tromp against an enforcement notice issued by Mendip District Council.
 - The notice, numbered ENF/2020/0073, was issued on 22 July 2022.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a building in the approximate position shown coloured grey on the attached plan.
 - The requirements of the notice are: 1. Demolish the unauthorised building and restore the land to its previous condition before the breach took place; and 2. Remove all materials, debris, waste and equipment resulting from the demolition of the building.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended. The application for planning permission deemed to have been made under section 177(5) of the Act also falls to be considered.
-

<https://www.gov.uk/planning-inspectorate>

Decisions

Appeal A

1. It is directed that the enforcement notice be corrected by the deletion of the description of the breach of planning control in Section 3 and its replacement by the following:

“Without planning permission, the material change of use of the Land to a mixed use of agriculture, equestrian, the stationing of caravans for residential purposes, including additional caravans to those approved under planning permissions 116987/003, 2014/0250/VRC and 2014/1433/FUL, and use as a builder’s yard with associated ancillary activities.”
2. And, in Section 5, by the deletion of requirement 1 and its replacement by the following:

“1. Cease the use of the Land for a mixed use a mixed use of agriculture, equestrian, the stationing of caravans for residential purposes and use as a builder’s yard and associated ancillary activities.”
3. by the insertion, at the end of Section 5 requirement 2 and requirement 3, of the following:

“and 2014/1433/FUL.”
4. and by the insertion, in Section 5 requirement 3 after the word “all” of the word “residential”
5. Subject to these amendments, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for use of the Land at Moors Barn, Marsh Road, Standerwick, Frome, Somerset, BA11 2PZ shown on the plan attached to the notice for the material change of use of the Land to a mixed use of agriculture, equestrian, the stationing of caravans for residential purposes, including additional caravans to those approved under planning permissions 116987/003, 2014/0250/VRC and 2014/1433/FUL, and use as a builder’s yard with associated ancillary activities, subject to the conditions in the Schedule of Conditions attached to this decision.

Appeal B

6. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the erection of a building at Land at Moors Barn, Marsh Road, Standerwick, Frome, Somerset, BA11 2PZ, subject to the conditions in the Schedule of Conditions attached to this decision.

Appeal A

The appeal site

7. The appeal site is a roughly rectangular parcel of land enclosed by an embanked railway track to the north, the A36 to the west, Marsh Road (B3099) to the south and Tennis Corner Drove to the west. Publicly available aerial imagery shows the progress of development of the land over the years. Up to

about 2003-4 the site was an open field with a single small barn. Planning permissions were granted in November 2003 and August 2004 for the erection of 6 stables and tack room and for the erection of a barn, all at the south eastern corner of the site. Permission was then granted on appeal in 2007 for the change of use of the land to use as a residential gypsy site for one family. Access to the site was from an entrance on the corner of Marsh Road and Tennis Corner Drove. By mid-2006 development comprising additional hardstanding and a building saw the yard extended northwards to the railway embankment with an additional entrance created to this extended yard from Tennis Corner Drove. By 2009 there was further building on the northern part extending to the west and a manege had been constructed alongside the railway embankment with further hardstanding to the west of the manege. In 2013 the site was much the same. Planning permission for 2 further gypsy/traveller pitches was granted in 2014, the pitches being located on the hardstanding near the Marsh Road and Tennis Corner Drove access. In 2016 the manege had been relocated further west and enlarged, with new hardstanding west of the manege. By 2018 six open storage bays had been erected on the hardstanding beyond the manege, being the westernmost extent of the yard at that stage. The plans accompanying an application made in January 2020 for planning permission for 'change of use of land from equestrian use to a general industrial use and erection of office/storage barn' shows the extent of the yard approximating that evident in the 2018 aerial photographs submitted. Since then some waste piles can be seen further west, but there does not appear to have been any further operational development in the yard area.

The appeal A notice and the grounds of appeal

8. In the course of the appeal the appellant sought to introduce an appeal on ground (b), which is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, that those matters have not occurred. What was argued was that the description of the development was wrong, in part because the relevant planning unit was not correctly identified, and that it was not sufficiently clear what was alleged.
9. The latter concerned the use of the term 'commercial and industrial uses'. It appears that the term originated from the application¹ for retrospective planning permission in January 2020 to regularise what had been occurring on the north-eastern part of the site. The use was described as a builder's yard, but it was erroneously considered to fall within Class B2 of the Use Classes Order²(UCO), that is use for the carrying on of an industrial process other than one falling within class B1, hence the use of the term 'industrial'. However, it is clear from the evidence of past use and the layout and character of this part of the appeal site that it is and has been operating as a builder's yard, a *sui generis* use for UCO purposes, and that description was agreed by the parties at the Inquiry to properly encompass the activities comprised in the use. This use has included the fabrication of hemp blocks, but these are solely for use in the appellant's construction business, while there has also been recycling of soil and construction waste arising from the construction activities. Both of these activities are intimately associated with the construction business and are not of a scale and intensity that would make them a primary use, rather they are

¹ Council Ref. 2020/0132/FUL

² The Town and Country Planning (Use Classes) Order 1987 (as amended)

most appropriately considered to be activities ancillary to the primary use of the yard area as a builder's yard, which can include elements of fabrication and the return to the yard of excess or used materials for storage and potential re-use.

10. The description of the site by the Inspector determining an appeal³ against the refusal of the 2020 commercial/industrial use application accords with what I saw on my site visit, a hard surfaced yard with open concrete bays, small containers, skips and machinery with the open storage of building materials, including in the concrete bays, and a portacabin used as an office, all consistent with a description of the use of the land as a builder's yard. It was agreed at the Inquiry that the description of the development enforced against should be corrected to refer to use as a builder's yard rather than for commercial and industrial uses, and that this correction would not cause injustice to the main parties. On this basis no appeal on ground (b) was pursued at the Inquiry.
11. Ground (b) was also argued on the basis that the appeal site was actually comprised of 2 separate planning units, comprising roughly the northern and southern parts of the site, the former being in use as a builder's yard and for equestrian purposes, and the latter in use for the stationing of caravans for residential use and for equestrian purposes. If that was so then the description would have been incorrect, but this argument was not pursued at the Inquiry, correctly in my view. I am satisfied from my observations and the available evidence that the different activities comprised in the mixed use the subject of the notice as corrected are not confined within separate and physically distinct areas of land.
12. To get the notice in order, however, some further amendments to the requirements are also necessary. First it is the corrected use that must be required to cease by Requirement 1. Second, it was clarified by the Council that the reference to the stationing of additional caravans for residential purposes was only intended to refer to the additional residential caravans sited on the southern boundary with Marsh Road, whose removal it sought, whereas other caravans in use for storage or as mess facilities for the builder's yard would not need to be removed in order to remedy the breach of planning control, which was the purpose of the notice. I shall therefore amend the wording of Requirement 3 so that it is only caravans in use for residential purposes and that do not benefit from the planning permissions governing the site that need to be removed. Third, a reference to a 2014 planning permission for the re-positioning of an existing mobile home and the erection of a day room should be added to the requirements to clarify which residential caravans could remain on the site. These amendments can be made without injustice.

Ground (d)

13. An appeal on ground (d) is that it is too late to take enforcement action. For the ground (d) appeal to succeed the onus is on the appellant to demonstrate that the mixed use commenced 10 years or more before the notice was issued, and has been sustained for a 10 year period during which enforcement action could have been taken against it. The material date is 25 August 2012.

³ Appeal Ref. APP/Q3305/W/21/3283229

14. The appeal on this ground was focussed solely on the builder's yard use. The appellant's evidence on oath was that he helped in the construction and extension of the equestrian yard, which was about 2006. In about 2007 he began working as a sole trader, trading as Complete Driveways, operating from the appeal site. In 2015 he started trading as Complete Construction, having developed the business from driveway/paving to include the construction of house extensions and new buildings. There was a significant increase in turnover in 2016, which he attributed to having become VAT registered. Invoices for aggregate deliveries to the site from 2016 have been provided. He gave evidence that he has always taken stone and soils from jobs to return to site for re-use, though when he started out it was at a much lesser scale.
15. Two local business owners gave evidence of buying topsoil and/or aggregates from the appellant, Mr Tan from 2013 and Mr Holding from 2012, and a statement from another, Mr Griggs, who was unable to attend the Inquiry due to illness, but claimed to have been getting recycled stone and topsoil from the site since 2011. Although Mr Grigg's evidence cannot carry the weight of sworn evidence, it is consistent with other evidence from that period. This includes receipts for crusher hire from April and October 2012, and the presence of what appears to be some piles of materials at the western end of the yard that is consistent with a small soil and construction waste recycling operation. Beyond that however the aerial photography provides little evidence of the presence of what might be recognisable as a builders yard in 2012, and crusher hire before 2012 is linked to laying of hardstanding on the site itself.
16. The aerial photographs from 2009 and 2013 show much the same. The area of hardstanding west of the manege, which apparently is where the Complete Driveways business was operating, appears recently laid in 2009, and it had some vehicles parked on it in 2013, but there is little else to suggest the establishment of a builders yard. Consistent with the establishment of Complete Construction and the expansion of the business, significant change is evident in 2016, the manege having been relocated to the west, a much larger working area is established and a new building, now used for storage associated with the building business, is erected in the north-east corner beside the yard access with a large open area between that and the relocated manege. What appears to be containers and open storage of materials is also evident on the southern edges of the yard. By 2018 the open storage bays have been constructed and the yard is laid out much as it is now. In 2020 it can be seen that there are substantial quantities of materials stored on the site.
17. Looking at this evidence as a whole, I consider it most likely that there was initially, from about 2009 at least, use of a part of the yard as a base for the appellant's driveways business and some associated recycling of materials, some of which was sold, used in other jobs or used in the construction of the hardstanding in the yard itself. However, having regard to what can be seen in the aerial photographs, the documentary evidence and the appellant's account, I consider that what was occurring did not, on the balance of probabilities, amount to a primary use as a builders yard until somewhere between 2013 and 2016. It is not unusual in my experience for land in use for equestrian purposes and gypsy/traveller accommodation to have uses such as vehicle and equipment parking and the storage of some building materials, particularly when the occupants work in the construction industry and travel for those purposes. Such use, where considered undesirable in the planning context, is

often controlled by the imposition of conditions, as was the case here⁴, but mere use, or indeed a failure to comply with a planning condition, is not development. I consider that the builder's yard use became a primary use of the land as a component of a mixed use some time between 2013 and 2016, most likely soon after the initiation of Complete Construction and the significant growth in operations based at the site, including the use of buildings for storage and fabrication purposes that would not have been required for the driveways work that had operated from the site prior to that. With the addition of a builder's yard use as a primary use to the mixed equestrian and residential use there was a material change of use, development which requires planning permission. Since that material change of use occurred less than 10 years before notice was issued, the mixed use is not immune from enforcement and the appeal on this ground cannot succeed.

Ground (a) and the deemed planning application

18. This ground, and the deemed planning application, seeks planning permission for the matters comprising the breach of planning control. The components of the mixed use at issue are the builder's yard use and the quantum of residential caravan use. On the latter, the three mobile homes sited within the original equestrian yard benefit from planning permission. When the notice was issued a further 5 residential mobile home pitches had been established on land to the west that had previously been open paddock land. This was largely on an area granted planning permission in 2018 for 3 Gypsy/Traveller pitches and a dayroom. It was initially claimed that the 2018 permission had been implemented and remained extant. This is no longer pursued, but for clarity I consider that the differences between what was permitted and what was established on the relevant land, in terms of both use and operational development, are so significant that they could not properly be said to be undertaken pursuant to the grant of the planning permission in question, and it follows that the planning permission, dated 23rd January 2018, had not begun within the 3 year period required by condition 1 of that permission and has therefore lapsed.
19. However, there have been no significant policy or material circumstances changes since 2018, so that the Council's reasons for granting the permission essentially endure. The appellant seeks permission through the deemed planning application for 3 pitches, as permitted in 2018. The 2018 permission included a dayroom, but I shall consider that aspect of the development under Appeal B. The Council agreed at the Inquiry that it would not object to a 3-pitch site as proposed, for the reasons it approved the 2018 scheme. Since there remains a significant unmet need I see no good reason to come to a different view. The proposal fits within the terms of the deemed planning application, hence it is open to me to consider the appeal on that basis.
20. The Council, however, maintains its objection to the builder's yard use. The main issues are whether the site is a suitable location for the development having regard to relevant development plan policies and national policy, and to the effect on the character and appearance of the area.
21. The site is in the open countryside. Core Policy 1 of the Mendip District Local Plan 2006-2029 Part I: Strategy and Policies (adopted 2014) (the LP) is concerned with enabling a sustainable pattern of growth and seeks to strictly

⁴ eg Council Ref 2014/0250/VRC, planning permission granted 29 May 2014

control development in the countryside. Development may, however, exceptionally be permitted in line with the provisions set out in Core Policy 4: Sustaining Rural Communities. This includes support for proposals which enable the establishment, expansion and diversification of business in a manner and of a scale which is appropriate to the location and constraints upon it. LP Policy DP1 expects development to contribute positively to the maintenance and enhancement of local identity and distinctiveness, though it acknowledges that the wider benefits should feature in the balance. LP Policy DP7 aims for a high quality of design, including ensuring that development is of a scale, mass, form and layout appropriate to the local context. It encourages the use of locally sourced or recycled materials.

22. The Inspector considering the recent appeal⁵ against the refusal in July 2021 of planning permission for a change of use of the land from equestrian use to a general industrial use and erection of an office/storage barn found that the site had an uncompromising industrial appearance which resulted in significant harm to the rural character of the site. He found that the development was an intrusion into the countryside of a manner and scale that was not appropriate to the location. However, the evidence available at that time suggested that the development was relatively recent, but in fact much of what he would have seen, the various buildings, structures and hardstanding, are longstanding and are not required to be removed.
23. In view of this the baseline must be quite different from that alluded to in that appeal, where the development was considered to have resulted in the loss of open grassland. There is also considerable scope for landscaping alongside the railway embankment and along the field boundaries which were not a part of the application refused in 2021. A scheme of landscaping can be secured by condition and this would help integrate the development with its surroundings, such that the stark contrast with the adjoining paddock land noted by the Inspector could be substantially mitigated. Having regard to the baseline, securing appropriate landscaping would be a benefit of a grant of planning permission.
24. So far as the effect on the character and appearance of the area is concerned, and considering that the buildings and much of the hardstanding on the current yard area would remain in any case, I consider that any adverse impacts of permitting the builder's yard use on the character and appearance of the area would be outweighed by the benefits to the site itself and to the locality of instituting and maintaining a scheme of planting around the yard boundaries. This would greatly improve the outlook from the residential part of the site and soften any views from passing trains. The trainline aside, there would be little if any visibility of the yard from outside of the site.
25. It is also relevant that the existing traveller site forms part of the local character, and there is national policy support for the provision of traveller sites suitable for mixed residential and business uses in Policy F of Planning Policy for Traveller Sites (PPTS). Such mixed use sites have sustainability benefits, reducing the need for travel to and from places of work notwithstanding that the construction work itself takes place elsewhere, and help to facilitate the traditional and nomadic way of life of travellers, a wider benefit in the LP Policy DP1 balance. The builder's yard use is not, and would

⁵ Appeal Ref: APP/Q3305/W/21/3283229

not, be viewed in isolation in any case, given its close proximity to, and integration both physically and functionally with, the traveller site and equestrian uses.

26. Overall, having regard to the baseline and the existing character of the site regardless of the builder's yard use, to the ability to secure beneficial landscaping, and the PPTS support for such mixed use sites, which is a material consideration, I consider that the business use is of a manner and scale appropriate to its location, attracting support from LP Policy CP4 and according with Policy DP7. As such I am satisfied that it does not conflict with the strategic and development control policies of the LP.
27. I shall therefore grant planning permission on the deemed planning application as set out above, that is for the change of use of the land to a mixed use comprising of use as a builders yard, equestrian use and for the stationing of caravans for the purposes of human habitation, the latter component limited to the caravans that already benefit from planning permission and 3 further pitches, each limited to 2 caravans.
28. In view of the policy considerations justifying the caravan site use I shall restrict occupancy to Gypsies and Travellers. However, since the current definition of Travellers for PPTS purposes have been found by the Courts to be discriminatory I shall revert to the previous definition. I shall also limit the number and types of caravans stationed on the new pitches in the interests of local character and the living conditions of occupants. For the same reasons I shall preclude commercial activities on those pitches and preclude any burning of waste on the land as a whole.
29. In order to secure good design on the site and mitigate visual aspects of the builder's yard use in particular, but also to ensure a satisfactory environment for caravan occupiers, I shall require the provision of a Site Development Scheme (SDS) for approval by the Council. The SDS shall include details of the site layout, identifying clearly the areas within which component activities shall take place in the future, along with details of hard and soft landscaping, boundary treatments, site drainage, external lighting and environmental enhancement. Separately I shall require maintenance of any planting carried out under the SDS. In view of the business and policy considerations underlying my conclusion that the builder's yard component of the mixed use is acceptable, I shall restrict the benefit of the yard to occupiers of the residential caravans. In the interests of highway safety, I shall also require that all vehicular traffic to and from the additional traveller pitches use the existing access at the junction of Marsh Road and Tennis Corner Drove.

Other matters

30. Concerns have been raised about the occupation of caravans on the site by non-gypsies. However it has long been the case that the definition of travellers for PPTS purposes is based on a nomadic way of life rather than ethnicity. I should note also that there has been development on the site since the notice was issued, including structures erected or sited on land to the west of the caravan site extension that appear to have a residential purpose, but this is not caught by the notice, and hence does not form part of the deemed planning application. Similarly, a new gateway has been formed directly onto Marsh Road. It is claimed that this was an historic field access, but again this is not part of the matters comprising the breach of planning control enforced against.

I am aware also that a food retail business has operated from the site. However it is not part of the activities enforced against and it is not alleged that it was a primary use of the land when the notice was issued. It does not appear to be operating at present. I understand that issues with the electricity use of the site have now been resolved.

Conclusion

31. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed on ground (a) and planning permission will be granted. Since the enforcement notice will be quashed, the appeal on grounds (f) and (g) does not need to be considered.

Appeal B

Ground (a)

32. This appeal concerns the building erected as a dayroom to serve the traveller pitches granted permission in 2018. The building is substantially larger than that approved, both in terms of floorspace and overall bulk. An application to retain the dayroom as built was dismissed at appeal⁶ in 2020. In coming to a view that the building caused harm to the character and appearance of the area, the Inspector found that the building was larger than necessary for its purposes, and that the height of the roof caused visual harm. What is now proposed under this ground, which is that planning permission should be granted for the building, is a reduction of the roof height by 2 metres and for the modified dayroom to serve the combined dayroom needs of the 3 pitches rather than a single pitch as approved in 2018. Plans for the building as built but with the lower roof height have been submitted⁷, and the proposal has been assessed by the architectural practice of the appellant's agent as technically feasible. I am satisfied that the building as proposed to be modified falls within the terms of the breach of planning control described in the notice, being part of the matters enforced against, and I shall determine the appeal on this ground, and the deemed planning application, on that basis.
33. The Council now accepts that the floorspace provided is appropriate for its purpose as a dayroom serving 3 traveller pitches, and I see no reason to come to a different view given that the original dayroom was to serve a single pitch only. Large multi-pitch dayrooms are not uncommon and I have been referred to relevant examples that have been found acceptable. Regarding the visual harm due to the excessive roof height, the Council also accepts that the proposed height reduction would satisfactorily mitigate the visual harm. Again, I see no reason to disagree. The lower roof height would result in a less bulky building that would not be visually prominent or intrusive, including from public vantage points.
34. Accordingly the proposal would not conflict with LP Policies DP1 or DP7, or with Policy DP15 which expects, among other things, new traveller sites to avoid significant adverse effects on local character. As such I am satisfied that the proposal accords with the development plan read as a whole, and I shall therefore quash the notice and grant planning permission for the building as proposed. In view of the underlying policy position the permission will be subject to a condition restricting its use to use as a dayroom ancillary to the 3

⁶ Appeal Ref. APP/Q3305/W/20/3254517

⁷ Appendix 5 to the proof of evidence of Brian Woods

traveller pitches, and in the interests of local character I shall specify the relevant plans and also preclude the use of the building as a dayroom until the works comprised in the permission have been undertaken. Since the notice will be quashed, I do not need to consider the appeals on grounds (f) and (g).

Paul Dignan

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Alan Masters
of Counsel

He called
Coryndon Luxmoore
Robbie Tan
Michael Holdway
Brian Woods

FOR THE LOCAL PLANNING AUTHORITY:

Roy Pinney

He called
Simon Trafford

DOCUMENTS

- 1 Representations by Cllr Shannon Brooke on behalf of Berkley Parish Council
- 2 Complete Construction financial statements for years ending 2015 to 2019
- 3 Statement of Common Ground - signed
- 4 List of conditions – for discussion
- 4 Council's closing submissions
- 5 Appellant's closing submissions
- 6 Proposed amended enforcement notice (Appeal A)

SCHEDULE OF CONDITIONS: Appeal A: APP/Q3305/C/22/3305403

1. The residential caravans on the site shall not be occupied by any persons other than persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
2. The mixed use hereby permitted shall cease and all residential caravans, structures, equipment and materials brought onto the land and buildings erected for the purposes of such use, and which do not benefit from planning permissions 116987/003, 2014/0250/VRC and 2014/1433/FUL, shall be removed within 3 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - i) within 3 months of the date of this decision a scheme, hereafter referred to as the Site Development Scheme (SDS), including details of
 - (a) site layout clearly identifying the extent of the builder's yard; the location of all pitches, including the siting of caravans on pitches; areas for vehicular access and turning and manoeuvring; areas of hardstanding; fencing and other means of enclosure; dayrooms, stables, and the location of services;
 - b) the means of foul and surface water drainage, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
 - c) a scheme of landscaping which includes all hard and soft landscaping and details of existing boundary trees/hedges and measures for their enhancement, protection and retention;
 - d) details of all existing and proposed external lighting on the boundary of and within the site; and
 - e) a scheme for the ecological enhancement of the Land;shall have been submitted for the written approval of the local planning authority, and the said scheme shall include a timetable for its implementation.
 - ii) within 11 months of the date of this decision the Site Development Scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Site Development Scheme shall have been approved by the Secretary of State.
 - iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable, and works comprised in the scheme shall be thereafter retained for the duration of the development.

3. Any trees or other plants planted in accordance with the approved Site Development Scheme which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
4. In addition to the residential caravans permitted by planning permissions 116987/003, 2014/0250/VRC and 2014/1433/FUL there shall be no more than 3 pitches on the site. No more than 2 caravans (of which no more than one shall be a static caravan) as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on each pitch hereby permitted at any time.
5. The builder's yard hereby approved, and as shown on the Site Development Scheme layout plan, shall be solely for the benefit of the occupiers of the residential caravans on the Land, and shall not be used by any other persons or for any other business.
6. No commercial activities shall take place on the residential caravan pitches hereby approved, including the storage of materials.
7. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the residential caravan pitches hereby approved.
8. No burning of materials, including straw and manure, shall take place on the site at any time.
9. All vehicles entering or leaving the site in association with the residential caravan pitches hereby approved shall use the existing access at the junction of Marsh Road and Tennis Corner Drove and no other access.

SCHEDULE OF CONDITIONS: Appeal B: APP/Q3305/C/22/3305404

1. The development hereby permitted shall be carried out in accordance with the following plans submitted during the appeal and attached as Appendix 5 to the proof of evidence of Brian Woods: J004239-DD-07 (As Existing Plans), J004239-DD-08 (As Existing Elevations), J004239-DD-09 (As Proposed Plans), J004239-DD-10 (As Proposed Elevations).
2. The building hereby approved shall be used only as a dayroom serving the 3 residential caravan pitches approved by Appeal Ref. APP/Q3305/C/22/3305403, and for no other purpose.
3. The building hereby approved shall not be brought into use as a dayroom until the works detailed in plans J004239-DD-09 (As Proposed Plans), J004239-DD-10 (As Proposed Elevations) have been completed.

End of Schedule

Application Reference	2022/0611/LBC
Site Address	The Old Church House, Church Steps, Frome, BA11 1PL
Applicant/Organisation	F Rostand
ApplicationType	Listed Building Consent
Proposal	Conversion of basement to habitable space including replacement front door, insertion of vents, underpinning and installation of concrete floor and installation of shower and toilet
Decision	Refusal (Delegated)
Appeal Decision	Appeal Allowed
Appeal Decision Date	12.12.2023



Appeal Decision

Site visit made on 11 December 2023

by Neil Pope BA(HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2023

Appeal Ref: APP/Q3305/Y/23/3318111

The Old Church House, Church Steps, Frome, Somerset, BA11 1PL.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr Freddie Rostand against the decision of Mendip District Council.
- The application ref. 2022/0611/LBC, dated 23 March 2022, was refused by notice dated 5 October 2022.
- The works proposed are described as: *1. Installation of special need shower and toilet connected to existing services in undercroft (lower ground floor). 2. Replacement of existing Magnet front entrance door and sidelight with purpose made solid oak glazed panel single leaf door reinstated in original stone framed entrance.*

Decision

1. The appeal is allowed and listed building consent is granted for the conversion of basement to habitable space including replacement front door, insertion of vents, underpinning and installation of concrete floor and installation of shower and toilet at The Old Church House, Church Steps, Frome, Somerset, BA11 1PL. The consent is granted in accordance with the terms of the application ref. 2022/0611/LBC, dated 23 March 2022, and the amended plans submitted therewith.

Preliminary Matters

2. In April 2023, Mendip District Council was incorporated into Somerset County Council (the LPA).
3. Prior to the LPA's determination of the application amended plans were submitted. Amongst other things, these show the provision of a new (clear) glazed oak framed door and ventilation grilles above and to the left of the arched stone doorway. The works have already been undertaken as per these amended plans. I have determined the appeal accordingly.
4. The LPA's decision notice and the appellant's Statement describe the works as the conversion of basement to habitable space including replacement front door, insertion of vents, underpinning and installation of concrete floor and installation of shower and toilet. I shall also use this description.
5. The Old Church House is a grade II listed building¹ within the Frome Conservation Area².

¹ The provisions of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

² The provisions of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

Main Issue

6. The main issue is whether the proposal preserves The Old Church House or its setting or its features of special architectural or historic interest and preserves or enhances the character or appearance of the Frome Conservation Area.

Reasons

7. The Old Church House is a three storey building that appears to date from the 17th century. This designated heritage asset has been altered and enlarged over time. Some fire damage occurred in about 1961, as a result of an incident at an adjoining property.
8. The heritage interest (significance) of this listed building is primarily derived from its architectural and historic qualities. These include its stone ground floor, chamfered stone doorway and 4-centre arch to the basement, stuccoed jettied upper floors, stone mullioned and transom window, pantile roof, large fireplace and mid-18th century panelling.
9. The Frome Conservation Area covers a sizeable part of the historic market town of Frome. Its significance is primarily derived from the contribution made by the very many listed buildings, as well as providing a historic record of the settlement's growth (largely due to the wool industry) reflected in the pattern and layout of streets, buildings and spaces.
10. The replacement front door to the basement comprises a purpose-made, glazed oak framed door with toughened glass. This sits behind/beneath a stone entrance arch that has been sympathetically repaired as part of the overall works. The new door replaces a 'catalogue' style door that was installed following the previous fire damage and sits comfortably within the basement elevation. Whilst I agree with the LPA's conservation officer that a more sympathetically designed door could have been used, the new door that has been fitted does not harm the character of the building or its significance.
11. The cast iron air vents/grilles that have been installed to the side of the new door are very modest in size and are flush fitting with the exterior wall. These very minor alterations to the listed building do not detract from its significance.
12. As I saw during my visit, there is great variety in the styles of doors and vents/grilles on buildings within the Frome Conservation Area. The new entrance doorway and external vents to The Old Church House are very discrete and are sympathetic additions to the conservation area. These works preserve the character and appearance of this designated heritage asset.
13. I note from the appellant's Heritage Statement that the floor of the basement is of relatively recent construction and includes irregular flagstones of fine-grained sandstone (not a local stone) with vacuous rubble beneath. I also note that this floor has previously been disrupted by a utilities trench. I concur with the appellant's assessment that the basement floor is not a key feature of the building and does not contribute to its significance.
14. The works undertaken to this basement floor, including the underpinning of all of the walls and the use of a concrete floor slab, appears to be somewhat excessive. Moreover, concrete is not a material that is to be encouraged in the repair/restoration of such historic buildings. However, these works have not resulted in the harmful loss or disturbance of any important historic fabric and

they are integral in securing the re-use of this part of The Old Church House. Furthermore, the absence of a viable re-use of the basement could have posed a risk of decay to this part of the building. The overall impact works on this listed building amount to a public benefit.

15. The infilling of the internal basement steps and the new stud partitions, which are also integral to the habitable accommodation that has been provided, do not harm the significance of this listed building. These works are also reversible and the access to the internal steps could be reinstated at a later date if deemed necessary.
16. I conclude on the main issue that the proposal preserves The Old Church House and its features of special architectural and historic interest. It also preserves the character and appearance of the Frome Conservation Area. There is no conflict with the objectives of policy DP3 of the Mendip District Local Plan (2006-2029) or policy D1 of the Neighbourhood Plan for Frome (2008-2028).

Other Matters

17. The appellant has informed me that his wife is living with multiple sclerosis. The accommodation provided could assist her health and well-being. This in turn, could amount to a very minor public benefit. In particular, allowing a citizen, with a serious illness, to remain in their home (with a family member) for a longer period of time could limit any increase in pressure on public health services attributable to that persons illness.
18. In all likelihood, the works undertaken to the building would have improved its thermal efficiency and, in so doing, make a very small contribution towards meeting the Government's objective of tackling climate change and the reliance on fossil fuels. This would also amount to a very minor public benefit.
19. No planning conditions have been suggested to me. As the works have been undertaken, I consider that, in this instance, it would not be necessary to attach any conditions to an approval.

Overall Conclusion

20. I have not found harm to the significance of The Old Church House or the Frome Conservation Area. Even if the LPA is correct that there would be some less than substantial harm to the significance of the listed building, this would be outweighed by the public benefit of securing the reuse of the basement of The Old Church House and the public benefit identified in the 'other matters'.
21. Given the above, and having regard to all other matters raised, I conclude that this appeal should succeed.

Neil Pope

Inspector

Application Reference 2022/0191/VRC
Site Address Wells Holiday Park, Haybridge Farm, Wells, BA5 1AJ
Applicant/Organisation Wells Holiday Park Ltd
Application Type Removal/Variation of Condition
Removal of condition 5 (Occupation Time Limit) of permission 104293/004 (Touring Caravan Site, including new toilet & shower block. Alterations to existing entrance).
Decision Refusal (Delegated)
Appeal Decision Appeal Dismissed
Appeal Decision Date 18.12.2023

Application Reference 2022/0197/VRC
Site Address Wells Holiday Park, Haybridge Farm, Wells, BA5 1AJ,
Applicant/Organisation Wells Holiday Park Ltd
Application Type Removal/Variation of Condition
Proposal Removal of condition 5 (Occupation) of permission 2010/3129 (Construction of 12 holiday lodges as phase 1 (amendments to the scale and layout of 12 holiday lodges already granted by outline planning permission 104293/013).
Decision Refusal (Delegated)
Appeal Decision Appeal Allowed
Appeal Decision Date 18.12.2023



Appeal Decisions

Site visit made on 11 December 2023

by Neil Pope BA (HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal A Ref: APP/Q3305/W/23/3319443

Wells Holiday Park, Haybridge Farm, Haybridge, Wells, Somerset, BA5 1AJ.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Wells Holiday Park Ltd against the decision of Mendip District Council.
- The application ref. 2022/0191/VRC, dated 1 February 2022, was refused by notice dated 6 October 2022.
- The application sought planning permission for a touring caravan site, including new toilet and shower block and alterations to existing entrance without complying with a condition attached to planning permission ref. 104293/004, dated 14 June 1989.
- The condition in dispute is No. 5 which states that: *The occupation of any one caravan on the site shall not exceed 31 days with no return within the following 31 days by the previous occupiers.*
- The reason given for the condition is: *To ensure that the site is not permanently occupied which would be contrary to the policies of the Structure Plan.*

Appeal B Ref: APP/Q3305/W/23/3319451

Wells Holiday Park, Haybridge Farm, Haybridge, Wells, Somerset, BA5 1AJ.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Wells Holiday Park Ltd against the decision of Mendip District Council.
- The application ref. 2022/0197/VRC, dated 1 February 2022, was refused by notice dated 6 October 2022.
- The application sought planning permission for the construction of 12 holiday lodges as phase 1 (amendments to the scale and layout of 12 holiday lodges already granted by outline planning permission 104293/013) without complying with a condition attached to planning permission ref. 2010/3129, dated 18 February 2011.
- The condition in dispute is No. 5 which states that: *The holiday lodges hereby approved shall not be occupied other than by tourists (see definition in Note 5 below) which is not their sole or main place of residence in accordance with written records of occupiers, addresses of their sole or main place of residence and purpose of occupancy that shall be made available for inspection at all reasonable times to the Local Planning Authority.*
- The reason given for the condition is: *The permanent residential use of the holiday lodges hereby approved would be contrary to Saved Policy S1 of the Mendip District Local Plan (adopted – 2002).*

Decisions

1. Appeal A is dismissed and appeal B is allowed. Planning permission is granted for the construction of 12 holiday lodges as phase 1 (amendments to the scale and layout of 12 holiday lodges already granted by outline planning permission 104293/013) at Wells Holiday Park, Haybridge Farm, Haybridge, Wells,

<https://www.gov.uk/planning-inspectorate>

Somerset, BA5 1AJ. The permission is granted in accordance with application ref. 2022/0197/VRC, dated 1 February 2022, without compliance with condition No.5 (occupation by tourists only) attached to permission ref. 2010/3129 and subject to the conditions in the Schedule attached to this decision.

Preliminary Matters

2. In April 2023, Mendip District Council was incorporated within Somerset County Council (the LPA).
3. The LPA accepts that it is unable to demonstrate a 5 year housing land supply.
4. As part of the appeal, the appellant has submitted a Unilateral Undertaking (UU) under the provisions of section 106 of The Town and Country Planning Act 1990 (as amended). This includes provision for restricting the occupation of any of the caravans/mobile homes/lodges to persons over the age of 50 and no children or dependents under the age of 16. The LPA has informed me that as a consequence, its reason for refusal No.7 (education provision) falls away.

Main Issues (Both Appeals)

5. The six main issues are: firstly, the effect upon the character and appearance of the area, including the setting of Wells and Haybridge; secondly, whether the proposal would provide adequate living conditions for future occupiers; thirdly, the likely effect upon highway safety along the A371; fourthly, whether the proposal would include adequate mitigation in terms of resource efficiency and low carbon initiatives so as to help tackle climate change; fifthly, whether the proposal would assist in meeting the housing needs of the local community by providing an adequate mix of house types and an element of affordable housing and; sixthly, whether adequate public open space provision exists or could be made available to meet the recreational needs of residents/occupiers.

Reasons

Planning Policy

6. The development plan includes the Mendip District Local Plan Part I: Strategy and Policies 2006-2029 (LPI) and the Mendip District Local Plan Part 2: Sites and Policies. My attention has been drawn to numerous policies. The most important policies to the determination of these appeals are: LPI policies CP1 (spatial strategy), CP4 (sustaining rural communities), CP10 (Wells City Strategy), DP1 (local identity and distinctiveness), DP4 (Mendip's landscapes), DP7 (design and amenity), DP9 (transport), DP11 (affordable housing), DP14 (housing mix and type) and DP16 (open space and green infrastructure).
7. The appeal sites lie outside the settlement limits for Wells, as defined within the development plan. For planning policy purposes, they are treated as part of the countryside. Within such areas, LPI policy CP1 provides strict control over development. The proposals would allow the sites to be used on a full-time residential (rather than leisure/recreational) basis. This would be tantamount to the provision of open market housing within the countryside and would be at odds with the provisions of LPI policies CP1 and CP4.
8. I have already noted the housing land supply position. In all likelihood, some areas of countryside would need to be released for housing in order to address

the shortfall in supply. The proposals would assist in this regard. This benefit carries considerable weight in the planning balance.

9. In determining these appeals, I have also had regard to the provisions of the National Planning Policy Framework (the Framework).

Planning History

10. Wells Holiday Park has a lengthy planning history. This includes a Lawful Development Certificate (LDC) for the replacement of 56 touring caravans with up to and including 40 static caravans for holiday accommodation purposes on appeal site A. This was certified in 2021 (ref. APP/Q3305/X/21/3273377).

First Main Issue - Character and Appearance

11. The appeal sites lie to the south west of the city of Wells and are adjacent to the edge of the small settlement of Haybridge. Appeal site A is surrounded on three sides by fields¹. The northern, western and southern² sides of appeal site B comprise part of the touring caravan park and the eastern boundary abuts a small ribbon of dwellings along the western side of the A371. The sites form part of a gently undulating landscape to the south west of Wells. Whilst there is some noise from motor vehicles using the A371, there is also a degree of tranquillity within this part of the countryside.
12. A development of about 200 homes has been built on land to the north east and east of the appeal sites and on the opposite side of the A371³. I also note from the development plan that much further to the south (and on the southern side of the B3139) 4.5 ha of land is allocated for housing, whilst to the north of the appeal sites land has been allocated for a new rugby club.
13. As I noted during my visit, the appeal sites can be seen from a section of the A371 to the north, as well as from the public rights of way that bisect the fields to the south and to the north, the latter forming part of the planned rugby club site. The holiday park is also visible in distant views from the north.
14. When seen from the public realm, appeal site A is more prominent within the landscape and is readily identifiable as a tourist facility beyond the settlement edge. At this time of the year, the seasonal nature of the holiday park and in particular, the 'touring caravan site' (appeal site A)⁴, comprises a somewhat low key use within this part of the countryside. The situation is likely to be different in the summer months, when more intensive use of the touring site could reasonably be expected. I am also mindful of the above noted LDC.
15. Nevertheless, tourist accommodation and caravan parks are commonplace within the countryside and established planning policies are generally supportive of such development. As in the case of Wells Holiday Park, the benefits to the rural economy, which tourist accommodation brings, are often considered to outweigh adverse environmental and/or other impacts.

¹ I note that a developer is undertaking a consultation exercise in respect of a proposed scheme of about 50 dwellings on the field to the south (Land at Newhouse Farm). I understand that a previous application for 68 dwellings on this site was refused in 2020 (ref. 2020/2217/OTS).

² A narrow strip of the touring caravan site separates the holiday lodges from the buildings at Newhouse Farm.

³ Outline permission was allowed on appeal in 2016 (ref. APP/Q3305/W/3129620). There is a sizeable area of greenspace between the western edge of this development and the A371.

⁴ This is the larger of the two appeal sites. During my visit there were numerous unoccupied pitches.

16. The holiday lodges site (appeal site B) is, in effect, tucked behind the ribbon of houses along the A371 and almost immediately alongside the buildings at Newhouse Farm. In contrast, the 'touring caravan site' (appeal site A) is readily identifiable as a tourist facility beyond the settlement edge.
17. The proposals would enable both appeal sites to be used all year round by the same occupants/residents. Those living on the sites for most, if not all, of the year, would behave differently to tourists staying for short periods of time. In all likelihood, residents would have very different expectations for their homes and living environment. This would bring about a change in the character of the sites, including greater activity throughout the year, especially during the winter months and, in all probability, an increase in domestic trappings as well.
18. The ensuing overtly residential character and appearance of each site would contrast awkwardly with the largely unspoilt rural qualities of the countryside within which these sites sit. In appeal A, the proposal would be akin to a rather ungainly 'extension' of housing into the countryside. To some extent, this would degrade the quality of the local landscape and conflict with LPI policy DP4. This would not be overcome by the appellant's suggestion of attaching a planning condition to an approval that exerted some control over the external appearance of the caravans. In contrast, the smaller size of appeal site B and its relationship with the neighbouring buildings, would result in the proposal for this site being not unlike settlement 'rounding off'.
19. The proposal for appeal site A would be very much more apparent from the public realm. It would have a moderate adverse impact upon the character and appearance of the site and the surrounding countryside. In contrast, the proposal for appeal site B would be likely to have only a very limited adverse impact upon the character and appearance of the site and surroundings. Notwithstanding the appellant's argument that there is currently no control over the appearance of the holiday lodges/caravans, the proposals would not contribute positively to the maintenance and enhancement of local identity and distinctiveness as required by LPI policy DP1.
20. I note the concerns of the Parish Council. Although the proposals may not entail any operational development, if approved, they could result in future pressure being applied on the LPA to permit more permanent structures/'bricks and mortar' dwellings on the appeal sites, which it would have difficulty resisting. In the case of appeal site A, this would, in all likelihood, accentuate the harmful impact upon the character and appearance of the site and surroundings. Whilst my decisions do not turn on this particular matter, it adds some limited weight to the argument for withholding planning permission.
21. From the evidence before me, the proposals would not intrude into any designated 'green gap' around Wells. The location of the appeal sites on the southern side of the A371 and the intervening greenspace would also avoid creating any perception of settlement coalescence. There would be no conflict with LPI policy CP10. However, for the reasons I have identified above, the proposals on their own (to varying degrees) and cumulatively, would erode the countryside qualities of the local area, including the sense of tranquillity.
22. I have not seen any detailed plans for the rugby club/sports provision to the north of the appeal sites. However, it is reasonable to expect that much of these neighbouring fields would remain open. It is also by no means certain that sports activities would occur all day/every day to the extent that it

resulted in a permanent loss of tranquillity from this part of the countryside. On the basis of the information before me, it is also very far from certain that approval would be forthcoming for the proposals at Newhouse Farm.

23. I conclude on the first main issue that the proposals (both appeals) would have adverse effects upon the character and appearance of the area.

Second Main Issue - Living Conditions

24. If the lodges/caravans were occupied by residents (as opposed to tourists / those staying on holiday) there would, in all likelihood, be a greater need for external private amenity space. Some residents are likely to want their own gardens to enjoy throughout the year and, on occasion, to relax in and possibly entertain friends or family.
25. From what I saw during my visit, the lodges on appeal site B have some private external amenity spaces, including the use of outside decking areas. Although these spaces are very modest in size, on balance, they are likely to be adequate in meeting the needs of future residents and would not give rise to any harmful overlooking of neighbouring lodges. However, this is less apparent for the caravans on appeal site A. If all of this site was occupied by residents, the scope for providing the necessary garden spaces is likely to be more limited. This could result in an inadequate living environment for some residents and create the impression of a cramped form of development.
26. I also note from the LPA's officer's report that concern was raised regarding potential sound insulation of the lodges/caravans. The materials used in this type of accommodation are different to 'bricks and mortar' type housing. However, the appellant has informed me that mobile homes are constructed to British Standard 3632: Specification for Residential Park Homes, (BS3632) and are tested for acoustic performance. There is nothing before me to demonstrate that future residents would experience harmful noise disturbance.
27. I conclude on the second main issue that the appeal scheme B would provide adequate living conditions for future occupiers, but there would be inadequate external private amenity space for the occupiers of appeal site A. In appeal A, there would be conflict with the provisions of LPI policy DP7(1)(b).

Third Main Issue - Highway Safety

28. The Highway Authority (HA) has advised that the proposals would result in a material increase in traffic and an increase in demand for car parking, as well as triggering provision for some secure and covered cycle parking and electric charging facilities. The HA also considers that that if a cumulative total of 50+ residential units were provided there would be a need for a Full Travel Plan.
29. I agree with the HA and LPA that the appeal proposals (taken on their own) would be likely to result in an increase in vehicular traffic to and from the site. In particular, in comparison to tourists staying on the appeal sites, residents could reasonably be expected to make more journeys in accessing healthcare facilities, business/employment sites and more regular shopping trips. More deliveries to residents' homes could also reasonably be expected. In all likelihood, this would comprise a modest increase in traffic movements for appeal A and a very modest increase for appeal B.

30. The appeal sites are accessed from the A371 and where there is a 40 mph speed restriction in force. I recognise that my visit was undertaken during the early afternoon and in winter, when traffic flows are likely to be lower than at some other times of the day and the peak summer season. However, I noted that visibility at the site entrance was adequate for vehicles entering and leaving the site. There is no evidence before me (such as road traffic accident records) to demonstrate that either the operation of the access into the appeal sites or the section of the A371 past the site are unsafe.
31. I note the appellant's argument that there is a separate licensing process⁵ which controls the form and layout of caravan sites, including car parking provision. If the lodges/caravans were occupied by residents (as opposed to tourists) there would be a likely increase in demand for car parking. In particular, some residents may own more than one motor vehicle and unlike tourists, residents are more likely to receive visitors. Whilst mindful of the need to avoid duplicating controls, there is an element of doubt in my mind as to whether adequate space could be provided within the appeal sites to accommodate the increase in demand for car parking.
32. The situation would be unlikely to result in any harmful impact for the appeal B scheme (some existing visitor parking could potentially be made available within the adjoining 'blue' land owned/controlled by the appellant), whilst for the appeal A scheme, the likely increase in demand for car parking could result in some congestion within this site. Although the appeal scheme A would not make for a particularly satisfactory form of development, the impact would not be so great as to compromise highway safety interests.
33. I conclude on the third main issue that the proposal would not harm highway safety interests along the A371 and, in so doing, would accord with the provisions of LPI policy DP9.

Fourth Main Issue - Tackling Climate Change

34. LPI policy DP7 includes a requirement for new development to incorporate all practical measures to achieve energy efficiency through siting, layout and design. I disagree with the appellant's argument that this is an irrelevant policy consideration. However, the lawful/long-standing-use of appeal sites A and B is, in effect, a fallback position available to the appellant.
35. I also note the appellant's argument that modern mobile homes have high specifications for insulation and energy efficiency which can be equivalent to or better than traditional build methods for dwellings. I have been informed that mobile homes must achieve u-values of 0.35 W/m-K for walls and floors and 0.2 W/m-K for roofs. I also understand that the National Caravan Council operates an energy efficiency rating scheme for mobile homes.
36. It has not been demonstrated that the proposals would be inconsistent with the objectives of established national and local planning policies aimed at tackling climate change, or conflict with the provisions of LPI policy DP7(1)(d).
37. I conclude on the fourth main issue that the proposal would include adequate mitigation in terms of resource efficiency and low carbon initiatives so as to help tackle climate change.

⁵ Provided for under the Caravan Sites and Control of Development Act 1960.

Fifth Main Issue – Mix of House Types/Affordable Housing

38. There are differences in the style and size of some of caravans/lodges that are, or which could be, stationed on the appeal sites. However, these comprise a single type of house/home. Given the occupancy restrictions of the UU, the type of residential accommodation that would be provided on the appeal sites and the demographic of the occupants would be somewhat limited. The proposals could not reasonably be described as providing a mix and range of different types of residential accommodation, as required by LPI policy DP14.
39. I note from the development plan that Wells has an older age-profile than other towns within the former Mendip area, with pressure on housing affordability. Whilst appeal scheme A and the cumulative effect of both appeal schemes could result in a rather unbalanced local community, the more modest appeal scheme B would assist in meeting the demand from older people looking to move to Wells and without creating any imbalance in the local community.
40. Amongst other things, the development plan recognises a lack of affordable housing, necessary to meet the needs of the local community. In an attempt to address this, LPI policy DP11 requires housing proposals to make provision for some affordable housing. I note from the consultation response of the LPA's Housing Enabling Officer (HEO) that neither of the appeal schemes were considered to meet the policy requirement for affordable housing provision.
41. I also note from the appellant's evidence that the average house price⁶ for properties in Mendip is £394,000 and the average asking price⁷ for mobile homes on 33 caravan parks within 32 km of Wells is £150,662. The Inspector who determined appeals⁸ on a caravan park in Sussex in 2021, and where a comparison in respect of house/mobile home prices was undertaken found, "based on the specific evidence" before them, that mobile homes could be considered to offer an affordable route to home ownership.
42. I consider that for a few⁹ of those aged 50+ who would be looking to purchase one of the lodges or caravans on the appeal sites, this type of accommodation could provide a route to home ownership that would otherwise be unavailable to them. Whilst the overall costs of a lodge or caravan are likely to be much lower than a 'bricks and mortar' property, it is unclear to me whether any of the lodges or caravans would be made available at a price equivalent to at least 20% below market value. Without any such discount, it is difficult to see how the proposals fit within the definition of affordable housing set out in the glossary to the Framework. Moreover, there is no mechanism in place to ensure any such accommodation would remain 'affordable' for future residents.
43. I concur with the HEO that the proposals would not count towards the development plan provisions/requirements for affordable housing. As also recognised by the HEO, the proposals would offer alternative housing provision for people seeking smaller-sized residential accommodation on a permanent basis. In this regard, I am mindful of the findings in the Strategic Housing Market Assessment which, amongst other things, identified a demand for

⁶ November 2022.

⁷ December 2022. I also note the comments of the HEO that it is unclear if this price includes the costs of ground rent, upkeep, sales commissions or other service charges.

⁸ APP/C3810/C/19/3222033 & APP/C3810/W/18/3214487.

⁹ In all probability, the majority of those looking to purchase a lodge or caravan would be seeking to 'down-size' on 'bricks and mortar' homes that they already own.

bungalows. Whilst the proposals conflict with the provisions of LPI policy DP11 they would provide some benefit in the form of smaller-sized residential accommodation that would add to the overall choice of available housing.

44. Nevertheless, I conclude on the fifth main issue that the proposals would not assist in meeting the housing needs of the local community.

Sixth Main Issue - Public Open Space

45. Most future residents of the lodges or caravans could reasonably be expected to have a need to access public open space. LPI policy DP16, includes a requirement for residential development to make a contribution towards the provision of new open space. This can either be on-site, where appropriate, or provided elsewhere by way of a financial contribution.
46. At present, there is 0.21 ha of open/amenity space provided within the overall holiday/caravan park. This includes a seating area and two boules pistes. Whilst this space may be adequate for tourists, it is unlikely to be sufficient in meeting the recreational/leisure needs of all of those residents that could occupy appeal site A. However, both appeal sites are in close proximity to greenspace on the opposite side of the A371 with convenient access to public rights of way. On balance, the on-site deficiency in open space would not be so great as to justify withholding permission in appeal B but does weigh against an approval in appeal A. There is no mechanism in place to address this.
47. I conclude on the sixth main issue that adequate public open space provision exists to meet the recreational needs of occupiers in appeal B but not in appeal A. The appeal A scheme conflicts with the provisions of LPI policy DP16.

Other Matters

48. The LPA has drawn my attention to appeal decisions on other sites with a Wells postal address and which involved holiday occupancy restrictions (refs. APP/Q3305/W/19/3229927 & APP/Q3305/W/22/3307642). Whilst noting the findings of those Inspectors, both sites were found to be in areas where accessing services and facilities on foot or bicycle would be problematic. In the latter appeal, the site was found to be remote. This is different to the situation before me, where Wells Holiday Park is served by tarmacked footways and is in close proximity to bus stops. It is not remote from services. Each case must be determined on its own merits and these other cases are materially different to what is before me. They do not set a precedent that I am bound to follow.
49. The appeal site lies within the hydrological/fluviol catchment and the Impact Risk Zone of the Somerset Levels and Moors Ramsar Site and Special Protection Area (SPA). Amongst other things, this extensive area of lowland wet grassland supports an assemblage of rare aquatic invertebrates.
50. Natural England has identified poor water quality, due to nutrient enrichment from elevated levels of phosphorus, as a cause in the loss of biodiversity¹⁰ within these protected areas. This has led to these areas being classified in an 'unfavourable condition'. Given the current use of the appeal sites/fallback position, I agree with the LPA that the proposals would be most unlikely to increase phosphate loading into the river catchment, Ramsar Site and SPA.

¹⁰ I understand that, amongst other things, aquatic invertebrate communities are suffering the effects of hyper-eutrophication, caused by excessive levels of phosphates.

51. I also understand that the appeal sites lie within Band B (risk impact bat consultation zone) of the North Somerset and Mendip Bat Special Area of Conservation¹¹, which comprises component Sites of Special Scientific Interest¹². Whilst I have found above that the proposals would result in an increase in activity in and around the site, this would not be so great as to result in a likely adverse effect upon features important to bats. The LPA appears to have reached a similar finding when it determined the applications.
52. Notwithstanding new and planned housing growth in and around Wells, as well as the restrictions that occurred during the COVID pandemic, there is no cogent evidence before me to demonstrate that the current tourist use of the appeal sites is unviable.

Planning Conditions and the Unilateral Undertaking (UU)

53. If either of the appeals were to be allowed the effect would be the creation of a new permission(s) and the 'standard' start date condition would be necessary. For the avoidance of doubt, it would be necessary to specify the approved plan and the permitted number of residential units.
54. In appeal B, I have noted the other conditions that were attached to the planning permission dated 18 February 2011. It is unclear to me if the bund/acoustic fence was provided and/or remains. On the assumption that it does, it would be necessary for this (and the other boundary treatment) to be retained in order to safeguard the living conditions of neighbouring residents. Conditions would also be necessary to ensure adequate car parking and turning within the site, as well as ensuring adequate drainage. A condition controlling noise emissions would be unnecessary. To safeguard the character and appearance of the site and the living conditions of neighbouring residents, a condition would be necessary controlling external lighting on the lodges.
55. If planning permission was granted for both of the appeal schemes the cumulative transport/traffic impacts of the proposals would, having regard to highway safety matters and the need to encourage transport by more sustainable modes to the motor car, trigger the need for the submission of a Travel Plan. However, the appeal schemes on their own would not trigger this.
56. If future residents of the lodges sought to have lodges with a different external appearance to those currently on site, this could accentuate the adverse impact of these units upon the local landscape that I have found above. I agree with the appellant's suggestion that a planning condition controlling this matter would therefore be necessary.
57. The evidence before me, including the comments of Somerset County Council Education Authority, indicates that unfettered residential occupancy of either of the appeal sites would be likely to result in a harmful increase in pressure upon educational infrastructure. The provisions of the UU satisfy the tests set out in paragraph 57 of the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. I have therefore taken it into account.

¹¹ Designated because of its importance for Greater and Lesser Horseshoe Bats.

¹² These include areas of bat maternity and/or hibernation roosts.

Planning Balance/Overall Conclusions

58. LPI policy DP1(3) includes a requirement for the impacts of a proposal to be balanced with the wider benefits. The housing land supply position requires this to be a 'tilted balance'.
59. When the necessary balancing exercise is undertaken, I find, in respect of appeal A, that the adverse impacts that I have identified (conflict with countryside protection policies, harm to the character and appearance of the area, inadequate external private amenity space, imbalance in the local population, a failure to help address housing need and deficient open space provision) would significantly and demonstrably outweigh the benefits. This proposal would therefore conflict with the provisions of LPI policy DP1(3) and the overall provisions of the development plan and the Framework.
60. When the same balancing exercise is undertaken in respect of appeal B, I find that the adverse impacts (conflict with countryside protection policies, limited harm to the character and appearance of the area, and the failure to help address housing need) would not significantly and demonstrably outweigh the benefits. This proposal would accord with LPI policy DP1(3) and the overall provisions of the development plan and the Framework. I would have reached the same conclusion in respect of this appeal regardless of the 'tilted' balance.
61. Given the above, and having regard to all other matters raised, I conclude that appeal A should be dismissed and appeal B should succeed.

Neil Pope

Inspector

SCHEDULE OF PLANNING CONDITIONS – APPEAL B

1. The development hereby permitted shall commence within three years of the date of this decision.
2. The development shall be undertaken in accordance with the approved 1:1,250 scale site plan ref. 1530-00002-01.
3. The development hereby permitted is limited to 12 lodges, which shall be single storey in height.
4. Any new/replacement lodges shall match the external appearance (including materials and colour) of the existing lodges on the site.
5. The existing boundary treatments (including any bunding and acoustic fence) shall be retained, as well as the existing car parking and turning arrangements, and the foul and surface water drainage arrangements.
6. No external lighting shall be erected on any of the lodges or elsewhere within the site unless previously agreed in writing by the Local Planning Authority.