

Public Agenda Pack



Notice of Meeting of

PLANNING COMMITTEE - EAST

Tuesday, 6 February 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, 2 February 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, 25th January 2024

AGENDA

Planning Committee - East - 2.00 pm Tuesday, 6 February 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 - 28)

To approve the minutes from the previous meeting.

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 democraticservicsteam@somerset.gov.uk by 5pm on Wednesday 31 January 2024.

5 Planning Application 2023/1135/FUL - Land at 351605 155774 Burrington Road, Charterhouse, Cheddar, Somerset (Pages 29 - 52)

To consider an application for the demolition of existing stable buildings and the erection of 1no. dwellinghouse with associated access and track.

6 Planning Application 2023/1535/FUL - Barn at Lower Shots, Ashmoor Drove, Bleadney, Somerset (Pages 53 - 70)

Application for the conversion of an existing barn to 1no. dwelling with erection of two storey extension.

7 Planning Application 202/0910/FUL - Land East of Squires, Mardis Lane, West Lydford, Somerset (Pages 71 - 90)

Application for the erection of a single storey dwelling with associated access and parking.

8 Planning Application 2023/1850/FUL - Land at 364102 150298, Stockhill Road, Chilcompton, Somerset (Pages 91 - 104)

Application for the erection of 1no. dwelling.

9 Planning Application 2023/0167/VRC - Duke of Cumberland Inn, Edford Hill, Holcombe, Somerset (Pages 105 - 116)

Application for the removal of condition 3 (delivery hours) and condition 9 (parking) on consent 2020/0242/FUL (The conversion of a free house into a farm shop and kitchen cafe. Attached micropub and side extension for added seating areas. First Floor alterations for 2 separate staff accommodations).

10 Appeals Report (Pages 117 - 130)

To consider the report on appeals decisions made by the Planning Inspectorate between 19th December 2023 and 22nd January 2024.

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 be 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.

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.

If your Non-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.

*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.

**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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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, 9 January 2024 at 2.00 pm

Present:

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

Cllr Barry Clarke
Cllr Susannah Hart
Cllr Helen Kay
Cllr Tony Robbins

Cllr Martin Dimery
Cllr Bente Height
Cllr Martin Lovell
Cllr Alistair Hendry

97 Apologies for Absence - Agenda Item 1

Prior to the start of the meeting the Chair asked everyone present to stand and observe a minute of silence in memory of Councillor Dean Ruddle, Division Member (Somerton) who had sadly recently passed away.

Apologies for absence were received from Councillors Adam Boyden, Dawn Denton, Claire Sully and Alex Wiltshire. Councillor Alistair Hendry substituted for Councillor Denton.

98 Minutes from the Previous Meeting - Agenda Item 2

The Committee was asked to consider the Minutes of the meeting held on 5 December 2023.

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

99 Declarations of Interest - Agenda Item 3

Councillor Helen Kay declared she was pre-determined for application 2023/1036/FUL and stated she would not take part in the debate or vote. She would, however, speak as Divisional Councillor.

10 Public Question Time - Agenda Item 4

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There were none.

**10 Planning Application 2023/1759/FUL Sundance 23 Old Wells Road Shepton
1 Mallet Somerset BA4 5XN - Agenda Item 5**

Application for change of use of part of land to a dog training area with associated parking.

The Officer's Report stated that this application related to a parcel of land to the rear of Sundance, 23 Old Wells Road, Shepton Mallet. The site was agricultural land and there was a single access point off Old Wells Road which served the dwelling and stables. The site was within an area of high archaeological potential and phosphate catchment.

In the summary, the Planning Officer recommended that planning permission be approved as the proposed use was acceptable in principle raising no adverse design, amenity or highway safety concerns which could not be overcome through the imposition of conditions.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation. He added that Condition 4 from his planning report relating to parking and turning (pre use) could be omitted and that there was an update to Condition 3, which was that restriction would not apply to the owners' own dogs, only those being trained.

The Committee was then addressed by the applicant. She made the following points:

- Dog training and agility would be good for the physical and mental health of the dogs and owners as well as being enjoyable.
- Very mindful of neighbours and very happy to restrict the use of the training area to minimise impact on the neighbours.
- A maximum of 3 dogs would be using the facility of any one time and will last for 1 hour.
- There will be a gap between each appointment to allow for the dog and car to

depart before the next client arrives.

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

- Concern about possible dog fouling.
- Concern about the hours of operation ending at 8pm that may give rise to noise complaints.

In response to the comments made, Planning Officers advised that Condition 3.3 could be amended to ensure that for the first year, operations must cease at 8pm, whereafter it would revert to 6pm. After which time, any complaints regarding noise will be reviewed and if found to be acceptable, the applicant could then apply under Section 73 to regularise the hours of operation.

At the conclusion of the debate, it was proposed by Councillor Edric Hobbs and seconded by Councillor Bente Height to approve the application in accordance with the Officer's recommendation with the amended Condition 3.3 review of noise complaints after 1 year.

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

RESOLVED

That planning application 2023/1759/FUL be **APPROVED** in accordance with the Officer's recommendation. subject to Condition 3.3 being amended so that, following the first year of operation, the hours of permitted operation must cease at 6pm in the evening rather than 8pm to ascertain if the approved hours of operation results in noise complaints.

Votes - Unanimous

- 10 Planning Application 2021/2525/FUL Greenhill Barton Road Butleigh**
2 Glastonbury Somerset - Agenda Item 6

Application for the change of use of agricultural land to holiday let and erection holiday let unit, yurts, kitchen and shower unit (Retention of works partially completed)

The Officer's Report stated that this application related to a field to the north of

Barton Road, Butleigh, a site known as Greenhill. The site had vehicular access from the classified 3 unnumbered road which was shared with a public footpath. A stone track from the road sloped down to site and within the field there were some Yurts which were rented out as holiday lets and a stable building.

In the summary, the Planning Officer recommended that that planning permission be refused as the principle of development was unacceptable as the site lay in the countryside outside the development limits where development is strictly controlled. The proposal did not represent sustainable development by virtue of its distance and poor accessibility and connectivity to local services and facilities. The development would result in harm to the character and appearance of the area and would be 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, did not outweigh the harm identified.

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

The Committee was then addressed by the applicant. Some of the comments he made were as follows:

- The site is a 5 minute walk away from the footpath.
- There are a number of approved holiday lets nearby so why is this any different?
- The holiday will employ 4 people, one of which will be full time.
- Supported by local people and no objections from the highway authority.
- Guests use the local resources and services, thus improving the economy.
- There is easy access to the site which will also suit larger vehicles.

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

- The Council should support enterprises that boost the local economy and provide jobs.
- The building is of a high eco-standard and will be off grid and on an existing foundation so will be sustainable in that respect.
- It does not appear to be in open countryside as it is shielded by trees.
- It is an ideal site for this type of business.
- Concern with the roof lights and effect on dark skies and wondered if a condition could be added to ensure blinds are used on the roof lights.
- The site would be outside the development limits and should therefore be refused.

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

- If the Committee was minded to approve the application, contrary to the Officer's recommendation, then delegated authority should be granted to Officers to grant permission subject to the imposition of planning conditions and the prior completion of S106 agreement to secure phosphate mitigation.
- A condition could be added for the fitting of blind, but it would be impossible to enforce so there would be little point.
- It would not be possible to prevent a future application to change the building from a holiday let to a permanent dwelling, but this would need to be approved by the Local Planning Authority at the time.

At the conclusion of the debate, it was proposed by Councillor Alistair Hendry and seconded by Councillor Helen Kay to approve the application contrary to the Officer's recommendation as the site was not considered to be in an unsustainable location and the benefits outweighed any harms identified in the Officer's report.

On being put to the vote the proposal was carried with 6 votes in favour and 4 votes against.

RESOLVED

That planning application 2021/2525/FUL be **APPROVED** contrary to the Officer's recommendation as it was considered that the benefits of the scheme outweighed any harms identified and it was not regarded as an unsustainable location. That delegated authority be given to Officers to grant planning permission subject to the prior completion of S106 Agreement to secure phosphate mitigation and the imposition of planning conditions to be agreed in consultation with the Chair and Vice-Chair.

Votes - 6 in favour, 4 against

10 Planning Application 2021/2280/FUL Billingsley Bath Road Oakhill Radstock 3 Somerset - Agenda Item 7

Application for the erection of a detached holiday let.

The Officer's Report stated that this application proposed the erection of a detached holiday let. The site currently comprised 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 were also served by the proposed access to serve the proposed holiday let.

In the summary, the Planning Officer said that due to changes in National Policy which emphasised the need to promote a sustainable pattern of development, it now meant that the site's distance, poor accessibility and connectivity to local services and facilities would necessitate the need to travel by private vehicle which made the site unsustainable. In addition, the limited economic benefits brought by a single holiday let would not outweigh the harms identified. Therefore, the application 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 number of local residents opposed to the application. They gave many reasons for their objections including the following:

- The site is on the edge of a nature reserve and is steeped in history. The proposed design and materials are not in keeping with the nearby old chapel and small cottages which are constructed from local stone. It will be a blot on the landscape.
- It is an isolated rural community, with no TV reception and totally reliant on car travel, so an unsustainable location.
- The access from the proposed car park to the house at the bottom of the valley would be difficult for disabled and young children.
- An unsuitable location as the road is very busy with heavy traffic and passing HGV's.
- There is Japanese Knotweed and Himalayan Balsam growing on the riverbank and any disturbance could cause it to spread.
- The river is fast flowing and an ideal habitat for dippers which have nested under to bridge for many years. The river supports otters which are protected and they easily disturbed.
- There will be overlooking into Nettlebridge House and garden.

The next speaker was the applicant. He made the following points:

- The property would be sited well away from the flood zone.
- It would be screened from the road and other properties further up the hill.
- It would be built on stilts to protect the land.
- Every consideration had been given to the impact it would make on the landscape and neighbouring properties.
- Approval had been given to a previous application in 2018 for a holiday let on

the site.

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

- The site is well outside the settlement limits of the village and not in a sustainable location.
- It is a quiet, rural and historic hamlet and not suitable for this type of development which does not fit in with its surroundings.
- Would like other reasons for refusal be added such as the overlooking, effect on the woodland ecology, the threat of the spread of Japanese Knotweed and Himalayan Balsam and the effect on the watercourse.

In response to the comments made, the Legal Advisor advised that any additional refusal reasons would each need to have good evidence and arguments, should it go to appeal. The Planning Officer added that there was no technical support to add the requested additional reasons for refusal. The Member then withdrew her request but said that the site was not sustainable in terms of ecology.

At the conclusion of the debate, it was proposed by Councillor Edric Hobbs and seconded by Councillor Bente Height to refuse the application in accordance with the Officer's recommendation.

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

RESOLVED

That planning application 2021/2280/FUL be **REFUSED** in accordance with the Officer's recommendation.

Votes - Unanimous for refusal

10 Planning Application 2023/1779/FUL Land At Burcott House Farm Pennybatch
4 Lane Burcott Wells Somerset - Agenda Item 8

Planning application 2023/1779/FUL was withdrawn from the agenda prior to the meeting.

10 Planning Application 2023/0987/OUT Sourdown Farm Sub Road Butleigh
5 Glastonbury Somerset - Agenda Item 9

Application for Outline Planning Permission with all matters reserved for 1no. replacement dwelling.

The Officer's Report stated that there was a temporary dwelling already on the site along with one large agricultural building. The site was in the countryside outside of a Settlement Limit and within the Somerset Levels and Moors Ramsar Risk Area. A public footpath ran along the rear of the site, parallel to Sub Road.

In the summary, the Planning Officer's report said that, although the site was outside of the designated development limits, it was not considered to be a remote location and was readily accessible to the services and facilities within Butleigh.

The report continued that whilst the benefits of the application were considered limited, as no design, amenity, highway safety and/or ecology issues had been raised, the titled balance was considered to apply in this case and so planning permission was recommended as a departure from the development plan.

The application was therefore recommended for approval subject to conditions and to the provisions of a S106 legal agreement to secure the phosphate mitigation.

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

There was no-one registered to speak on this application and Members had a brief discussion about the location being close to the village and, although outside the settlement limit, it was within walking distance to a lot of facilities, and therefore a sustainable location. They also noted that neither the Division Members nor the Parish Council opposed the application.

At the conclusion of the debate, it was proposed by Councillor Martin Dimmery and seconded by Councillor Edric Hobbs 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 2023/0987/OUT be **APPROVED** in accordance with the Officer's recommendation.

Votes - Unanimous in favour

10 Planning Application 2023/1036/FUL Land North Of Wallbridge Gardens
6 Frome Somerset - Agenda Item 10

Application for the erection of 1no. dwellinghouse.

The Officer's Report stated that this application related to a narrow, wedge-shaped parcel of wasteland. The site itself occupied space between a rank of garages and the modern flat development on Great Western Road and comprised of grass and scrub vegetation. The site was accessed using a narrow access lane that cut between the rows of residential properties belonging to Wallbridge Gardens.

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

In the summary, the Planning Officer's report stated that the proposed development would result in a single additional dwelling where there was a shortfall and would generate associated economic activity that would support local shops and facilities. However, the development would be cramped and contrived and did 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 nearby 4-bedroom dwelling 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 was considered to generate significant and demonstratable harms that were not outweighed by the benefits and 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 Councillor Helen Kay who had declared at agenda item 3 that she was pre-determined for this application and therefore she would not take part in the debate or vote. She would, however, speak as Divisional Councillor. She made a number of points regarding the amenity of the future occupiers of the already approved nearby dwelling and suggested adding an extra reason for refusal regarding the access. Councillor Kay then moved to the public gallery for the duration of the debate and vote.

The next speaker was the agent for the applicant. He made the following points:

- It is in a highly sustainable location and there was already planning permission given for a house nearby.
- The reasons for refusal given by the Planning Officer were subjective.
- The garden size would larger than gardens nearby, there would be good size windows and the site would be less dense than nearby sites.
- There had been no objections to the appearance of the building or objections from highways, Frome Town Council or local residents.
- The benefits of providing a 2-bed dwelling would demonstrably outweigh any harms.

Members had a brief discussion regarding the proposed parking and turning area for the site and noted that exiting would be very difficult.

At the conclusion of the debate, it was proposed by Councillor Martin Lovell and seconded by Councillor Martin Dimery to refuse the application in accordance with the Officer's recommendation.

On being put to the vote the proposal was carried with 7 votes in favour, 1 vote against and 1 abstention.

RESOLVED

That planning application 2023/1036/FUL be **REFUSED** in accordance with the Officer's recommendation.

Votes – 7 for, 1 against, 1 abstention.

10 Planning Application 2023/1184/FUL Bridge Farm West Lane To Millford Lane 7 Alhampton Shepton Mallet Somerset - Agenda Item 11

Application for the demolition of existing agricultural barns and replaced with 4 no. dwellinghouses.

The Officer's Report stated that this application site was accessed via a track which also provided access to an adjacent house and office building fronting the main road. The site was outside of the development limits, in an area of High Archaeological Potential and within a RAMSAR site.

In the summary, the Planning Officer's report recommended that that planning permission be granted, subject to conditions.

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

The Committee was then addressed by the applicant. He made a number of points including the following:

- The development is not in open countryside but is adjacent to the built-up form of the village on a former farm.
- It is a logical and sensible expansion of the village.
- The community supports the application and the one objection made has been dealt with a new landscaping plan. The objection was then withdrawn.
- The design is in keeping with the style and vernacular of the village.

In the brief discussion which followed, Members noted that the scheme had been well planned and designed. It would be built to high energy standards. Some commented on the risk of flooding at the entrance to the site but noted that there was a culvert which was maintained by a local resident. One Member noted that it was in a sustainable location.

At the conclusion of the debate, it was proposed by Councillor Alistair Hendry and seconded by Councillor Susannah Hart to approve the application in accordance with the Officer's recommendation.

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

RESOLVED

That planning application 2023/1184/FUL be **APPROVED** in accordance with the Officer's recommendation.

Votes – 9 in favour, 1 abstention.

10 Appeals Report - Agenda Item 12 **8**

The report of decisions made by the Planning Inspectorate between 17 November and 19 December 2023 was noted.

(The meeting ended at 4.45 pm)

..... **CHAIR**

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Application Number	2023/1135/FUL
Case Officer	Jennifer Alvis
Site	Land At 351605 155774 Burrington Road Charterhouse Cheddar Somerset
Date Validated	20 June 2023
Applicant/ Organisation	Mr & Mrs Hayes
Application Type	Full Application
Proposal	Demolition of existing stable buildings and the erection of 1no. dwellinghouse with associated access and track.
Division	Mendip Hills Division
Parish	Priddy Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

3. **What 3 Words:** parading.campfires.skins

Scheme of Delegation:

The officer recommendation is for approval , and therefore in accordance with the scheme of delegation this application is referred to Planning Board as a departure from the local plan.

Description of Site, Proposal and Constraints:

The application site includes a collection of rural buildings and a paddock used for equestrian purposes and is adjacent to a single residential property, Ubley Warren House. This application relates to the demolition of stable buildings and erection of a dwelling; stopping up of vehicular access; new access and access track; new package treatment plant; and associated works to convert the site from equestrian to residential.

There is an existing access off Burrington Road. This access is proposed to be stopped up with a new access and track constructed further east along Burrington Road.

The site is outside any development limits in open countryside and within the Mendip Area of Outstanding Natural Beauty (AONB). Public Right of Way (PROW CL22/20) runs to the west of the neighbouring Ubley Warn House site. The site is within the Bat Consultation Zone for North Somerset Mendip Bats SAC, the SSSI Risk Impact Zone, an Area of High Archaeological Potential, the Civilian Air Limit and the Mendip Gliding Club 15m area.

A previous permission was granted on the site in February 2023 (ref: 2021/2426/FUL) for the conversion of the main stable building to a residential dwelling with the stopping up of the existing access and creation of a new access to the east.

Relevant History:

- 2021/2426/FUL - Conversion of existing stable building into a dwelling, formation of new vehicular access and associated track and demolition of three existing stable buildings. – Approved – Feb 2023
- 071666/005 - Erection of stables – Approved - Oct.2003
- 071666/003 – Erection of stables – Permitted – March 1991

Summary of Ward Councillor Comments, Parish Council Comments, Representations and Consultee Comments:

Ward Member: No comments received

Priddy Parish Council: No objection

Highways Authority: No objection subject to conditions

- A previous permission was granted on the site under ref: 2021/2426/FUL which included the same proposed access.
- This current submission is predominantly the same as the previous scheme in term of the size and position etc. This current submission has provided the same visibility splays as previously approved.

- Conditions recommended including construction of new access; stopping up of the existing access; cycle parking provision; implementation of visibility splays; electric vehicle charging provision; parking and turning areas to be kept clear; any gates to be inwards opening; highways drainage.
- Recommended informative on highways drainage.

Archaeology: no objections

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

Contaminated Land: No objection subject to conditions

- As there are areas of naturally elevated concentrations of lead in the area, we suggest that the soil is tested to ensure that this site is not affected.
- Recommended conditions including site investigations for lead; submission of a remediation scheme; and verification reporting.

Environmental Protection: No objection subject to a condition which restricts construction hours to protect nearby resident amenity

Lead Local Flood Authority: No comments to make

Mendip AONB: No response

Ecology: no response to the current application but comments from the previous application on the site can be seen below which remain relevant.

No objection subject to conditions (summary of final verbal comments following submission of additional information and consultation with Natural England)

- Phosphates - Site lies within the Panborough Gap Exclusion zone in relation to the Somerset Levels and Moors Ramsar Site. Further to discussions with Natural England, the proposed application, with associated low levels of Phosphate production, is unlikely to add significantly to nutrient loading on the Somerset Levels and Moors Ramsar site; therefore a Likely Significant Effect 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.

- The Cheddar Complex Site of Special Scientific Interest (SSSI) - the site at its nearest boundary is around 650m away from the nearest component of the SSSI. Following the submission of additional information, it is confirmed that there would not be any detrimental impacts on the Favourable Conservation Status of the SSSI.
- Submitted bat surveys sufficiently demonstrate there are no roosts within the buildings and the proposal would be acceptable re impacts on bats.
- Recommended conditions: lighting for bats; accord with the recommendations of the survey; compliance condition for biodiversity net gain including 2 x bat boxes and 2 x sparrow boxes; sensitive vegetation clearance for birds; sensitive supervision for reptiles; compliance condition to ensure the drainage field is not located within 500m of the SSSI; toolbox talk.

Local Representations: No other representations have been made.

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) 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)
- 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)
- DP14 (Housing Mix and Type)
- DP16 (Open Space and Green Infrastructure)
- DP22 (Reuse and Conversion of Rural Buildings)
- DP23 (Managing Flood Risk)

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)
- Environment Agency Standing Advice
- Mendip Hills AONB Management Plan 2019 - 2024 (January 2019)
- National Character Area Profile: 141. Mendip Hills (NE416), published by Natural England on 20 March 2013

Assessment of relevant issues:

Principle of the Use:

Core 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 as the proposal seeks to demolish the existing stables rather than convert it. 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 planning history is a material consideration and in February 2023, reference 2021/2426/FUL, planning permission was granted for the change of use of the stables to a residential dwelling. That permission remains extant and as such could still be implemented

Although the site is outside the settlement limits where development is strictly controlled there is planning history on the site in the form of the permission mentioned above, for the conversion of the stable to a residential dwelling, which was granted in compliance with DP22. As this permission remain extant, it is a material consideration when determining the current application for the demolition of the stables and replacement with one 3no. bed dwelling.

The proposed access and blocking up of the existing access was also previously found acceptable and approved under 2021/2426/FUL.

The principle of the residential use on this site has been established and was considered acceptable in line with the provision of policy DP22 of MDLP under 2021/2426/FUL. Further consideration of the design of the current proposal, and its impact on the character and appearance of the area, highway safety, ecology, neighbour amenity etc. will be discussed below.

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

The proposed dwelling will be sited slightly further to the east than the existing stable building approved for conversion but still partially overlaps the original footprint. The building will be set away from the main road and screened by established trees which runs along the northern boundary. The footprint of the new proposed dwelling will be slightly larger than the previous permission but retains the original L shape of the stables. While there is a slight increase in ridge height, the dwelling remains single storey and it would appear as part of the overall cluster of buildings in this location and not as a incongruous feature within the landscape. No roof lights are proposed.

4 stables are proposed to be removed to facilitate this development. To ensure the removal of the 4 stable buildings would be achieved, and to give this removal weight in the planning balance, a condition is recommended to ensure they are removed prior to occupation of the dwelling.

Permitted development rights should only be removed where it is clearly reasonable and necessary, in accordance with guidance contained within the NPPG, and then only when the rights to be removed are clearly defined. Given that the site is within a nationally designated landscape, the Mendip Hills Area of Outstanding Natural Beauty (AONB), the impact of development should be carefully considered. This is particularly relevant to the insertion of rooflights, which can lead to harmful light-spill, where dark skies are an important characteristic. In addition, extensions to the roof that would lead to a significant increase in the height of the proposed dwelling would lead to the building being particularly intrusive, and further extensions and outbuildings are at risk of harming the agricultural character of the building.

In conclusion on this matter, 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 Policy DP1, DP4 and DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Residential Amenity:

The only neighbour in proximity to the site is Ubley Warren House. Due to the distance and scope of development, this relationship would be acceptable in residential amenity terms.

In conclusion on this matter, 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.

Assessment of Highway Issues:

The proposal would stop up the existing access and introduce a new access. The proposed access is the same as previously approved under ref: 2021/2426/FUL and was found acceptable. The Highway Authority has considered this and has not objected, subject to the inclusion of standard conditions.

Sufficient parking would be available within the site to accommodate parking as per the standards set by Somerset County Council.

Conditions recommend by the Highway Authority include provision of the new access; new access; stopping up of the existing access; cycle parking provision; implementation of visibility splays; electric vehicle charging provision; parking and turning areas to be kept clear; any gates to be inwards opening; highways drainage. Electric vehicle charging and highways drainage are required as part of Building Regulations therefore planning conditions for these matters are not necessary. All of the other considerations are recommended, albeit slightly rewarded to comply with the Mendip condition processes and formatting.

In conclusion on this matter, 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 9 of the National Planning Policy Framework.

Ecology:

No response was received from Ecology Services however their previous response for 2021/2426/FUL remains valid as it's less than a year old, and can be used to make an assessment on the current application.

The application has been submitted with a Protected Species Survey which concludes that all four stable buildings proposed for demolition have 'negligible suitability for roosting bats'. This has been agreed by both the Somerset Ecologist and Natural England (NE) in their response to 2021/2426/FUL

The Protected Species Survey recommendations include vegetation clearance to include measures to protect reptiles; stopping works if bats are found; a toolbox talk to construction worker; exclusion measure to prevent birds from nesting; vegetation clearing timescale; ramps in any holes or trenches to allow wildlife including hedgehogs to escape; installation of 2 bat boxes; and installation of 2 sparrow boxes.

The recommendations set out in the Protected Species Survey and are all considered acceptable, and a condition is recommended to ensure these recommendations are followed.

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.

A package treatment plan is proposed on the site, with associated drainage field. This is subject to a permit from the EA before it can become operational. This is covered by its own legislation so further controls via planning are not necessary. The Ecologist has confirmed that the water discharge must be at least 500m from the Cheddar Complex SSSI. The applicant has also submitted a plan demonstrating the application boundary is over 500m from the SSSI. Although the Ecologist recommended a condition requiring the discharge field is not within 500m of the SSSI, as the site in its entirety is not within 500m of the SSSI, this condition is not necessary.

The application site is outside the phosphate catchment area therefore nutrient neutrality is not required in this case.

In conclusion on this matter, the proposal accords with Policies DP5 and DP6 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Drainage:

The site is within flood zone 1 meaning it is suitable for development in principle drainage terms.

Surface water is proposed to be managed via soakaway, and foul drainage is proposed to be managed via an onsite package treatment plant and water dispersal field. This is subject to a permit from the EA.

The foul and surface water drainage details have been duplicated from the previous consent on the site which was considered acceptable subject to conditions which can be re-imposed to secure appropriate drainage measures.

In conclusion on this matter, the proposed development would 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.

Area of Outstanding Natural Beauty:

The proposed development by virtue of its design, scale, massing, position and use of external materials would not adversely affect the natural beauty of the landscape of the designated AONB in accordance with Policy DP4 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

PROW:

The proposal is considered acceptable and would not harm the PROW.

Contaminated Land:

Due to the naturally elevated concentrations of lead in the area, the Contaminated Land Officer has recommended conditions including investigations for lead; submission of a remediation scheme; and verification reporting. Subject to the inclusion of these conditions, the application is considered acceptable in this regard.

Trees:

There are some trees in close proximity to the proposed dwelling which contribute the character of the area at this rural location. The agent has confirmed it is the intention of the applicant to retain the trees, and this was considered acceptable under the previous application subject to a recommended condition which would require the submission and agreement of a Tree Protection Plan prior to the commencement of any works. A hard and soft landscaping condition is also recommended which includes confirmation of retained trees and details of new planting. These conditions are necessary to ensure appropriate landscaping is in place to allow the development to integrate into its rural setting.

The proposal accords with Policy DP4 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Impact on Archaeology:

The site is within the 'Area of High Archaeological Potential'. The Historic Environment Officer did not consider the development would endanger any archaeological remains. Therefore, it is considered the proposal accords with Policy DP3 of the adopted Local Plan Part 1 (2014), and Part 16 of the National Planning Policy Framework.

Refuse Collection:

There is sufficient space within the proposed site for the storage of waste and recycling.

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 overall thrust of Government Policy as set out in the updated NPPF is to encourage the delivery of sustainable development and requires Local Authorities to boost significantly the supply of housing. As the Council cannot demonstrate a 5 year housing land supply, this application is considered in the tilted balance as set out in para 11d of the NPPF is engaged, confirming that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

In this case no material harm has been identified regards the application proposal - refer to assessment above. The fact that the site already benefits from permission for a stable conversion is recognised and taken into account in arriving at this conclusion, and should be given significant weight.

In summary, given that the site already benefits from a fall back position in the conversion, the new proposal will not result in any additional harm above that already permitted in terms of sustainability, and no material harm has been identified. The application is therefore recommended for approval subject to conditions, as a departure from the Development Plan.

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: PL4944/1, PL4944/2, PL4944/3, PL4944/4, PL4944/5, PL4944/6 and PL4944/7

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

3. **Compliance with Ecological Recommendations (Compliance)**

The development hereby approved (including demolition, ground works, and vegetation clearance) shall be carried out in strict accordance with the recommendations set out in the approved 'Protected Species Survey: Land to East of Ubley Warren House, Charterhouse' prepared by Crossman Associates dated 07.12.2022. All recommendations shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details. This includes installation of 2 bird boxes and 2 bat boxes in accordance with the recommendations. The bat box and bird box shall be retained thereafter in perpetuity.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with Policy DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

No external lighting shall be erected or provided on the site until a "lighting design for bats" has been submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed, including technical specifications, 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, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall thereafter be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design.

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.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Materials (Compliance)**

The development hereby approved shall be carried out using external facing materials as specified on the Proposed Plans and Elevations ref PL4944/5

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Removal of Permitted Development Rights - No extensions or alterations (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to protect the rural character in this part of the AONB in accordance with Policies DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

7. **Removal of Permitted Development Rights - No extensions or alterations to roof (Compliance)**

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no external alteration, extension or enlargement to the roofs of the dwelling/s hereby approved unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to protect the rural character and the dark skies in this part of the AONB in accordance with Policies DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

8. **Removal of Permitted Development Rights - No outbuildings (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those granted by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development in this part of the AONB in accordance with Policies DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

9. **Foul and Surface Water Drainage Strategy (Compliance)**

The development shall only be carried out in accordance with the approved Foul and Surface Water Drainage Strategy as shown on drawing PL4944/3 and accompanying testing results and calculations.

Reason: In the interests of providing a satisfactory level of foul and surface water drainage, avoid pollution of the environment, improving water quality and to prevent flooding in accordance with Policy DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

10. **SITE INVESTIGATION FOR LEAD (Pb) (Pre-Commencement)**

No development shall commence unless an investigation and risk assessment of the nature and extent of lead (Pb) on site and its findings have been submitted to and approved in writing by the Local Planning Authority. This assessment shall be undertaken by a competent person, and shall assess soil lead levels on the site.

The assessment and written submission shall include:

- (i) a survey of the nature, extent and significance of any lead (Pb) contamination
- (ii) an assessment of the potential risks to:
 - o human health

o property (existing or proposed) including gardens, crops, livestock and pets

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development is safeguarded from naturally elevated concentrations of lead in accordance with the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed by submission of an assessment report before work commences in addition to any assessment provided with the planning application. This condition does not restrict commencement of enabling works provided that these may be demonstrated to be entirely for the purposes of ground investigations deemed necessary to inform the risk assessment.

11. **SUBMISSION OF REMEDIATION SCHEME (Pre-Commencement)**

No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, and other property, has been submitted to and approved in writing by the Local Planning Authority unless the findings of the approved investigation and risk assessment concludes that a remediation scheme is not required. The scheme shall include:

(i) all works to be undertaken

(ii) proposed remediation objectives and remediation criteria

(iii) timetable of works and site management procedures and where the site is to be developed in phases, a phasing plan identifying any specific protection measures

(iv) where required, a monitoring and maintenance programme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out

(v) where required, additional contingency measures designed to safeguard future users and receptors

The remediation scheme shall be designed to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out prior to the commencement of development, other than those works required to carry out remediation, or in accordance with the approved timetable of works.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development is safeguarded from naturally elevated concentrations of lead (Pb) in accordance with sections 11 and 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover or affect pathways for harmful contamination. Therefore these details need to be agreed before work commences.

12. **VERIFICATION REPORTING (Pre-Occupation)**

No occupation shall commence, or where the site is subject to an already approved phasing plan, there shall be no occupation of any part of each phase, until a verification report has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The verification report shall confirm that the approved remediation has been completed and demonstrate the effectiveness of the remediation carried out.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development is safeguarded from naturally elevated concentrations of lead (Pb) in accordance with the National Planning Policy Framework.

13. **Visibility Splay (Pre-Occupation)**

Before the development hereby approved is brought into operation the appropriate visibility splay must be provided. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge. Such visibility shall thereafter be maintained at all times.

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

14. **Parking (Compliance)**

The areas allocated for parking and turning on the submitted plan drawing number PL4944/3 shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that sufficient parking is provided to serve the approved development 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).

15. **Bound/Compacted Vehicle Access (Pre-occupation)**

No occupation shall commence until the approved new vehicular access as shown on drawing numbers PL4944/3 and PL4944/7 has been constructed with a bound and compacted surfacing material (not loose stone or gravel) for the first 5 metres of its length as measured from the edge of the adjoining carriageway. The access shall be retained and maintained as such thereafter.

Reason: To prevent loose material spilling onto the highway 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).

16. **Existing Access - Stop Up and Re-Instate (Pre-Occupation)**

Prior to the development hereby approved being occupied, the existing vehicular access, as shown on PL4944/3, shall be stopped up and its use as such permanently ceased. The vegetation shall be reinstated in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that safe and suitable access is in place for the development in the interests of amenity and highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

17. **Gates (Bespoke Trigger)**

Any entrance gates erected shall be hung to opens inwards and shall be set back a minimum distance of 6m from the carriageway edge and shall thereafter be maintained in that condition at all times.

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

18. 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)
- (d) any retained planting / hedgerows
- (e) a detailed programme of phasing and 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).

19. Tree Protection Plan (Pre-commencement)

No development shall take place until an annotated tree protection plan following the recommendations contained within BS 5837:2012 identifying measures (fencing and/or ground protection measures) to protect the trees to be retained has been submitted to and approved in writing by the Local Planning Authority. The plan shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The plan shall include the design of fencing proposed and take into account the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, and movement of people and machinery.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with Policy DP1 and DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because the works comprising the development have the potential to

harm retained trees, therefore these details need to be agreed before work commences.

20. **Stable Demolition (Pre-Occupation)**

Prior to the development hereby approved being occupied, the four stables to be demolished as shown on Proposed Block Plan PL4944/3 will be demolished and permanently removed from the site.

Reason: To protect the rural character in this part of the AONB in accordance with Policies DP1, DP4 and DP7 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.

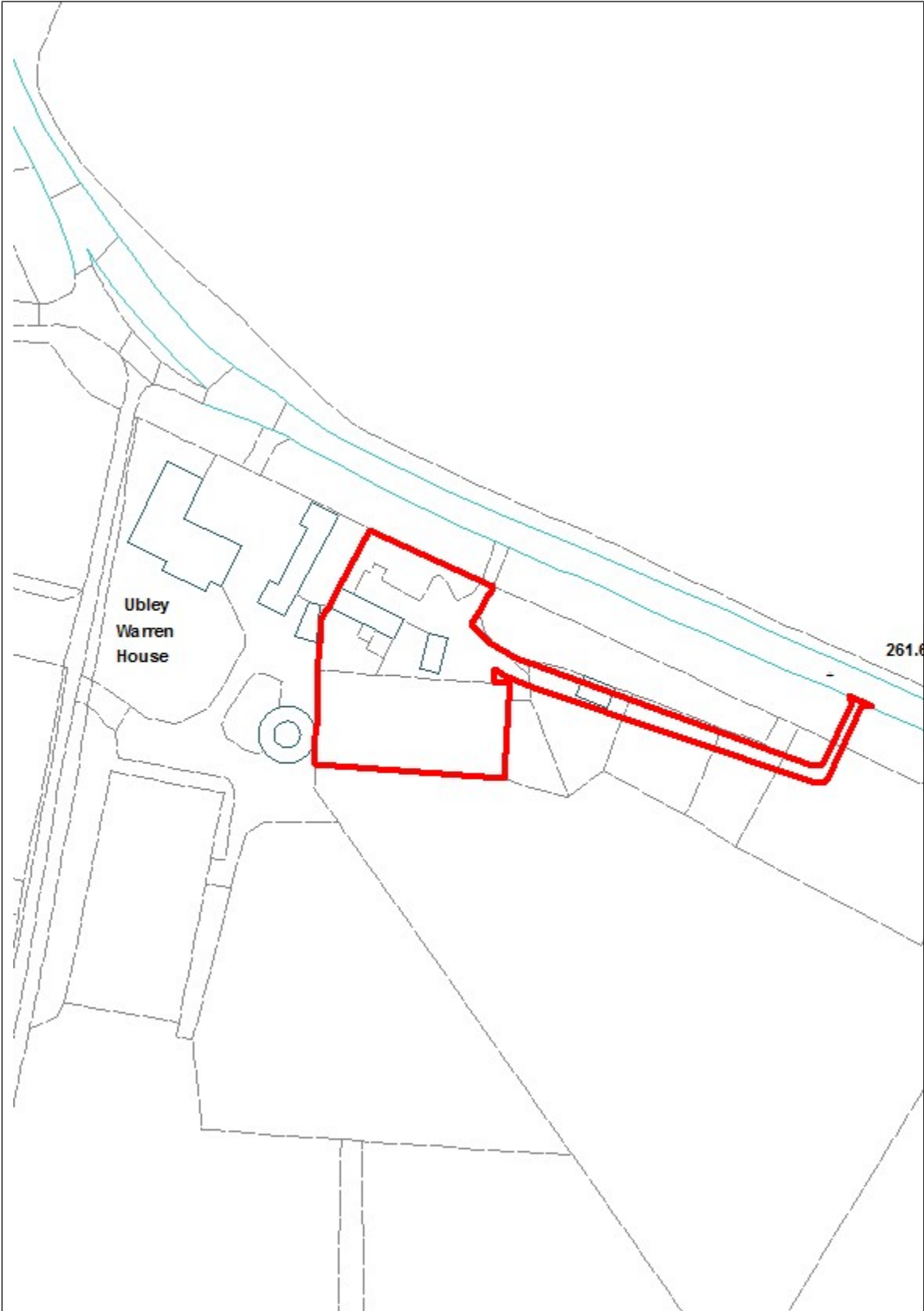
Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

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. No removal of buildings, structures, trees or shrubs shall take place between 1st March and 31st August unless an experienced ecologist has checked the Site for breeding/nesting birds. If there is evidence of breeding birds the work must be delayed until the chicks have fledged or suitable working distances observed so as not to disturb the birds.
6. Under Section 163 of the Highways Act 1980 it is illegal to discharge water onto the highway. You should, therefore, intercept such water and convey it to the sewer.



Planning Board Report 6th February 2024
Land At 351605 155774
Burrington Road
Charterhouse
Cheddar
Somerset
BS40 7XW

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Application Number	2023/1535/FUL
Case Officer	Jennifer Alvis
Site	Barn At Lower Shots Ashmoor Drove Bleadney Wells Somerset
Date Validated	10 August 2023
Applicant/ Organisation	Mr & Mrs Denton & Nicodemi
Application Type	Full Application
Proposal	Convert existing barn to 1no. dwelling, with erection of two storey extension (following demolition of other existing barns).
Division	Mendip West Division
Parish	Wookey Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Heather Shearer Cllr Ros Wyke

7. **What.3.Words:** elevated.emulating.cover

Scheme of Delegation:

The officer recommendation is for approval , and therefore in accordance with the scheme of delegation this application is referred to Planning Board as a departure from the local plan.

Description of Site, Proposal and Constraints:

The application site is located at Lower Shots, Ashmoor Drove in Bleadney. The site contains an existing farm complex with a number of agricultural buildings located around the application site.

The site is located outside the settlement limits as identified in the Mendip District Local Plan Part I: Strategy and Policies (December 2014) (MDLP) and within the Somerset Levels and Moors Ramsar catchment area. The access to the site also falls within Flood Zone 2 and Main River Buffer Zone, a Public Right of Way runs to the south of the barn across the proposed curtilage and a Local Wildlife Site and Priority Habitat lie adjacent to the site.

This application seeks full permission for the conversion and extension of an existing barn to create a 5no. bed dwelling. The site currently benefits from consent for the conversion of the barn to a 2no. bed dwelling under Prior Approval Class Q (ref: 2022/2294/PAA), which remains extant. To facilitate the new extended element of the dwelling, existing barn buildings surrounding the main barn (to be retained and converted) will be demolished. The new build will largely sit within the footprint of the demolished barns.

The proposal will utilise the existing access from Ashmoor Drove, a single lane unclassified carriageway.

Relevant History:

18512/001 – Erection of single storey agricultural workers dwelling. Approved 21.12.2005

2022/2294/PAA - Prior Approval for a proposed change of use of agricultural building to a single dwelling with associated operational development. – Prior Approval Required and Given – Jan 2023

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

Ward Member: No comments received.

Parish Council: Approval

Highways: Standing Advice

Environmental Protection: No objection

Contaminated Land: No objection.

- Due to the nature of farms, it would be advised to keep a watching brief for potential hotspots of contamination.

Lead Local Flood Authority: No comments

SCC Rights of Way: No objection subject to conditions which requires a diversion order to footpath WS 5/10 due to the proposed hedge blocking the current path. A temporary closure for the public footpath WS 5/10 will be required for the duration of the demolition works.

Case Officer Note - Revised Plans were received during the life of the application which moved the hedge further north and away from the public right of way so no obstruction would occur.

SCC Ecology: No objection subject to conditions. Due to the absence of further bat surveys, it is necessary to assume that roosting bats are present within the site and a condition is required to ensure compliance with local and national policy. A condition requiring biodiversity net gain is also suggested, along with relevant informatives to ensure that the applicant is aware of the requirement to protect certain species and their habitats.

Local Representations: No letters of local 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) Post JR Version
- Somerset Waste Core Strategy (2013)

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 (NPPF)
- 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)

Assessment of relevant issues:

Principle of the Use:

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 as the proposal extension to the barn would go beyond that permitted under DP22. 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 planning history is a material consideration and in 2023, reference 2022/2294/PAA, Prior Approval was granted for the change of use of the barn to a residential dwelling. That permission remains extant and as such could still be implemented. It is accepted that the proposal for prior approval of permitted development need not be subject to an Habitat Regulations Assessment (HRA) and therefore no mitigation with regard to any possible increased phosphate loading can be required. This is discussed further in the ecology section below.

Although the site is outside the settlement limits where development is strictly controlled there is planning history on the site in the form of the 2023 Prior Approval mentioned above, for the conversion of the barn to a residential dwelling. As this permission remains extant, it is a material consideration when determining the current application for the conversion and extension of the barn with one 5no. bed dwelling.

The principle of the residential use on this site has been established and is considered acceptable and in line with the provision of Class Q, of Part 3, Schedule 2 of the General Permitted Development Order under 2022/2294/PAA. Further consideration of the design of the proposal, and its impact on the character and appearance of the area, highway safety, ecology, neighbour amenity etc. will be discussed below.

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

The current proposal seeks to convert the traditional red brick barn on the site and demolish the surrounding existing barns to construct new build extensions to form a 5no bed residential dwelling. This will result in a larger property than previously permitted under the prior approval for the conversion only, however, the buildings to be demolished are largely modern steel framed barns and add little to the visual character of the area. The conversion of the red brick barn is sympathetic to the original character of the barn and the proposed extensions are of a contemporary design, incorporating timber cladding and zinc roof, which complements the traditional red brick building while not appearing out of character in a rural area.

Although the proposal results in a larger dwelling, the footprint off the new extensions will lie within the footprint of the demolished barns and will be a similar height to the existing. The site is large enough to accommodate the increase in footprint without appearing as over-development or resulting in a cramped appearance.

The existing buildings to the north, including the farm house, will largely screen the proposed development when viewed from Ashmoor Drove. Although there is a public right of way which runs immediately to the south of the barns, it's considered the proposal would result in an enhancement of the immediate setting given the current state of the existing farm buildings and that the footpath currently through the middle of an existing cattle yard..

As matter of planning balance it is considered that the conversion of the red brick barn to a dwelling and demolition of the adjacent steel framed farm buildings and replacement with a new build extension would be sympathetic to the location and size of the site, would respect the rural character the area and would lead to an enhancement of the immediate setting in accordance with DP1, DP4 and DP7 of the Local Plan Part 1

Impact on Residential Amenity:

The closest residential property is the farmhouse known as Hurn Farmhouse to the north east of the site. However, it's considered that the two dwellings are of a sufficient distance from each other and angled at such a way that there would be no resulting harm to the residential amenity of either property. 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 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. As such the proposal may have the potential to contribute to additional phosphate loading in the Ramsar site. Planning applications for such proposals are normally subject to an HRA under the Habitat Regulations. However, applications for prior approval of permitted development under the provisions of the General Permitted Development Order 2015 (as amended) are treated differently. Natural England have pointed out that ODPM circular (06/05 & 01/2005) advises that permitted development affecting the Ramsar is not required to be subject to HRA through the prior approval process, because the Habitats Regulations relating to permitted development (Regs 75-77, formerly Reg 60) are stated to not apply to Ramsar Sites, as a matter of policy.

The Council has sought advice on this matter and agrees with Natural England's position.

On this basis and taking into account the approval to convert the existing barn on the site into a residential dwelling (LPA case ref: 2022/2294/PAA) it is considered that the applicant has a legitimate implementable scheme to deliver a dwelling on the site, It is therefore considered that a Habitats Regulations Assessment in this instance is not required.

The Application relates to land and buildings that already have consent to be either converted, or demolished, pursuant of approval 2022/2294/PAA. There will be no greater impact on the ecology than the extant Class Q approval. Conditions are recommended to safeguard ecological habitat across the site and to achieve biodiversity net gain.

The proposed development will not have an adverse impact on bats or other ecology. The proposal accords with Policies DP5, DP6 and DP8 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Assessment of Highway Issues:

There is an existing access to the site which will be utilised to serve the proposed dwelling and has previously been considered acceptable as assessed under

2022/2294/PAA. There is ample space within the site for the parking and turning of vehicles.

Revised plans received during the life of the application showed that the garden boundary hedge would be moved further north so it doesn't interfere with the existing footpath. The footpath as currently mapped, runs through the cattle yard and an existing barn building meaning users would have to divert from the path. The new proposal would result in an improved scheme which allows footpath users to follow the path directly rather than diverting around the cattle yard and barn.

Given the topography of the lane and the likely traffic speeds it is considered that 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 9 of the National Planning Policy Framework.

Drainage:

While a drainage engineer did not comment on this application, the main buildings fall outside the Flood Zones with only the existing access being within Flood Zone 2. Given that the access is existing and in use for Hurn Farmhouse, as well being found acceptable for a further residential use under 2022/2294/PAA, it's not considered that the new proposal would have any greater impact.

The area proposed for redevelopment in terms of the extension and conversion, are already previously developed land and therefore no greater surface water run off would result from the build. The large concrete yard area to the south of the red brick barn is proposed to be turned into garden space for the property resulting in less hardstanding than currently on site.

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.

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.

Conclusion and Planning Balance:

The overall thrust of Government Policy as set out in the updated NPPF is to encourage the delivery of sustainable development and requires Local Authorities to boost significantly the supply of housing. As the Council cannot demonstrate a 5 year housing land supply, this application is considered in the tilted balance as set out in para 11d of the NPPF is engaged, confirming that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

In this case no material harm has been identified regards the application proposal - refer to assessment above. The fact that the site already benefits from permission for a barn conversion is recognised and taken into account in arriving at this conclusion, and should be given significant weight.

In summary, given that the site already benefits from a fall back position in the barn conversion, the new proposal will not result in any additional harm above that already permitted in terms of sustainability, and no material harm has been identified. The application is therefore recommended for approval as a departure from the Development Plan.

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: PL4965/1, PL4965/2, PL4965/3A, PL4965/4, PL4965/5A, PL4965/6, PL4965/7A

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

3. **Materials - Submission of Schedule and Samples (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Access, Parking and Turning Areas (Pre-occupation)**

No occupation shall commence until the access, parking and turning areas have been constructed in accordance with details shown on the approved plans. The vehicular access, parking and turning shall thereafter be kept clear of obstruction and shall not be used other than for the access and parking of vehicles in connection with the development hereby permitted.

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

5. **Bat Protection (Bespoke Trigger)**

Due to the absence of further bat surveys, it is necessary to assume that roosting

bats are present within the site. The following condition is required to ensure that the LPA fulfils its legal duty of 'strict protection' of European protected species: Works will not in any circumstances commence until:

- a) Construction and demolition operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats. Written confirmation of the induction will be submitted to the Local Planning Authority by the licensed bat ecologist within one week of the Fse talk
- b) To provide suitable alternative roosting location and to accommodate any discovered bat(s) a bat box will be hung on a suitable tree on or adjacent to the site at a minimum height of 4 metres as directed by a licensed bat ecologist. Any such box will be maintained in-situ thereafter. Photograph[s] showing their installation will be submitted to the Local Planning Authority
- c) Works potentially affecting bats will then proceed under the supervision of the licensed bat ecologist.

Reason: A pre-commencement condition in to ensure the strict protection of European protected species and in accordance with policy DP5 and DP6 of the Mendip Local Plan

Reason: A pre-commencement condition is required to ensure the strict protection of European protected species and in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Wildlife Protection and Enhancement (Pre-occupation)**

No occupation of the dwelling shall take place until full details and evidence of implementation, using photographs if necessary, of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority.½ These details shall include:

- a) A Habitat 001 bat box or similar will be built into the new dwelling at least four metres above ground level and away from windows of the west or south facing elevation;
- b) Two Vivara Pro Woodstone Nest Boxes (1x 32mm hole version and 1x open front design)) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter.
- c) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.
- d) Provision will be made for nesting swallows, for example within a structure

providing shelter, such as an open fronted log store or bespoke box attached to the wall, and with the provision of artificial two artificial nest cups within.

e) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of the dwelling. Please note bee bricks attract solitary bees which do not sting.

f) One log pile as a resting place for reptiles and or amphibians constructed within the wider ownership boundary.

All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and paragraph 174(d) of the National Planning Policy Framework

7. External Lighting (Bespoke Trigger)

No external lighting shall be erected or provided on the site until a "lighting design for bats" has been submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall thereafter be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

8. Removal of Permitted Development Rights - No extensions or alterations (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area and in accordance with Development Policies 1, 4, 7 and 22 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.

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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.

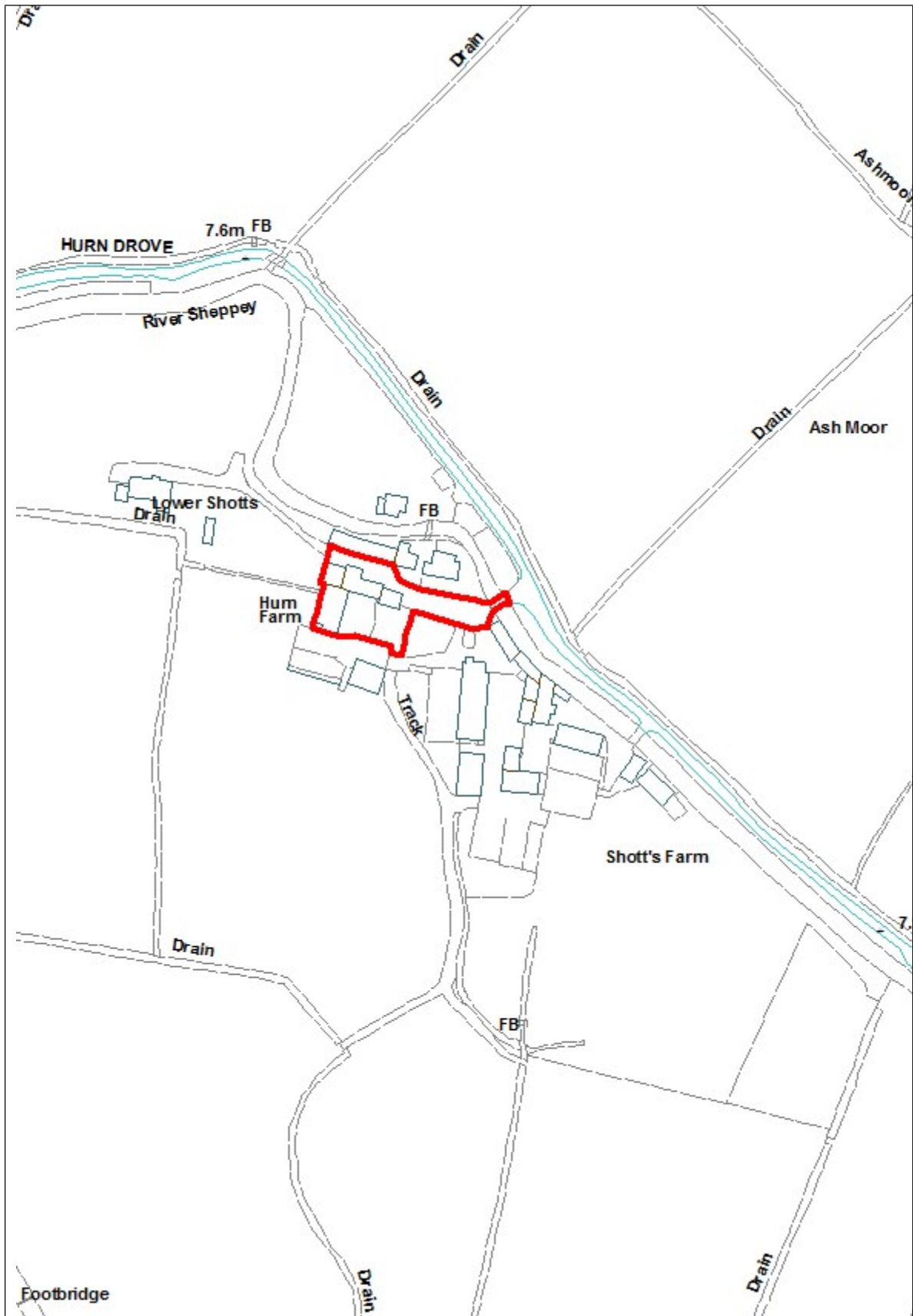
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3. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
4. Please note that your proposed work 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 nature of farms, 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.
6. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

7. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

8. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

9. No vegetation removal works or demolition works around the site shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check of the buildings/ structures, trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

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Planning Board Report 6th February 2024
Barn At Lower Shots
Ashmoor Drove
Bleadney
Wells
Somerset

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Application Number	2020/0910/FUL
Case Officer	Anna Jotcham
Site	Land East Of Squires Mardis Lane West Lydford Somerton Somerset
Date Validated	12 May 2020
Applicant/ Organisation	S Buxton
Application Type	Full Application
Proposal	Erection of a single storey dwelling with associated access and parking
Division	Mendip South Division
Parish	Lydford-On-Fosse Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Claire Sully Cllr Alex Wiltshire

WHAT 3 WORDS

The application site can be found by entering the following words into the What 3 Words website / app (<https://what3words.com/>)

///atoms.waving.airfields

SCHEME OF DELEGATION

The application would be a departure from the existing adopted Development Plan. Therefore, in accordance with the scheme of delegation, this application is referred to the Planning Board by officers.

SITE DESCRIPTION AND PROPOSAL

The application relates to a plot of land located on the northern side of Mardi's Lane, sandwiched between the residential properties 'Squires (to the west) and Higher House (to the east) on the outskirts of the village of West Lydford.

The application site is adjacent to, but falls outside of, designated development limits. In terms of other planning constraints, the application site falls within an Upper-Brue Drainage Board Area, a Mineral Consultation Area, a Site of Special Scientific Interest (SSSI) Impact Risk Zone, Priority Habitats and the Somerset Levels and Moors Ramsar Risk Area.

The application seeks the erection of a single storey dwelling with associated access and parking. The land in question is relatively flat and spacious enough to accommodate the proposed single storey dwelling. The site is accessed from Mardis Lane, which is a narrow country lane.

RELEVANT PLANNING HISTORY

None identified.

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) Post JR Version
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Made Neighbourhood Plans

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
- CP4 – Sustaining Rural Communities
- DP1 – Local Identity and Distinctiveness
- DP3 – Heritage Conservation
- DP4 – Mendip's Landscapes
- DP5 – Biodiversity and Ecological Networks
- 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
- National Planning Practice Guidance
- The Countywide Parking Strategy (2013)
- Design and Amenity of New Development Policy DP7 SPD (March 2022)

SUMMARY OF CONSULTATION RESPONSES

The consultation responses are summarised below. Full comments can be viewed on the public website.

Divisional Member – No response.

Lydford on Fosse Parish Council – Objection for the following reasons:

- The proposal lies outside development limits and would remove 'green space'.
- The site is 'back-fill' and not of the preferred linear nature.
- The site is surrounded by four listed buildings and the design is not in keeping with the rest of the village.
- Mardis lane is a single-track lane and visibility cannot be achieved.
- There is not enough space on site to accommodate four spaces.

Highways Authority – Standing advice applies.

Conservation Officer – No objection, subject to conditions.

Ecology – No objection, subject to conditions.

Drainage Engineer – No objection.

Wessex Water – No objection. Application requires a new connection to the public foul sewer, notes and application forms can be found here. Our records indicate the rising main located on Mardi's Lane is under private ownership, the applicant will need to seek the owner's permission to connect here.

Natural England – No objection, subject to appropriate mitigation.

Other representations – Two letters of objection have been received raising the following issues (summarised):

- Impact of design on adjacent listed buildings.
- Access through Mardis Lane unsafe.
- Proposal outside development limits.

ASSESSMENT OF RELEVANT ISSUES

PRINCIPLE OF DEVELOPMENT

Policies CP1 (Mendip Spatial Strategy) and CP2 (Supporting the Provision of New Housing) of the Local Plan seek to direct new residential development towards the principal settlements, and within defined development limits. This is consistent with the aims of creating sustainable development and protecting the countryside, as described in the National Planning Policy Framework (NPPF).

The application site is outside designated development limits and in planning policy terms is in the open countryside. Development in the open countryside will be strictly controlled but may exceptionally be permitted in line with policy CP4 (Sustaining Rural Communities). This allows rural affordable housing, for the benefit of the community where there is evidence of local needs and to be held in perpetuity. The development does not accord with this exception so the principle of the proposed housing development in this location is not acceptable.

Though considering the conflict with policy, the Council is currently unable to demonstrate a five-year housing supply of housing land, based on the local housing need figure. As a result, the policies within the Local Plan, relating to new housing currently have reduced weight and the presumption in favour of sustainable development as defined in paragraph 11(d) of the NPPF applies. This means planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where its specific policies indicate that development should be restricted.

An assessment of the Local Plan policies which are the most important to the determination of the application therefore needs to be made, but the 'tilted balance' should be applied to their assessment. This will be considered at the end of this report.

DESIGN OF THE DEVELOPMENT AND IMPACT ON THE STREET SCENE AND SURROUNDING AREA

The dwelling proposed is on the very edge of West Lydford, which traditionally follows the linear development line along High Street, though there is a residential building of similar design located to the west of the application site (Squires).

The design in itself, a bungalow, whilst opting for more contemporary design, is not necessarily out of place within this rural setting. The applicant has provided some images of the material finish which is considered to be acceptable in principle. The timber

cladding is proposed as larch which will start as a pale yellow/golden brown in colour but in its untreated form weathers to silvery grey. This material would complement the soft grey of the adjoining blue lias stone and the grey zinc roof.

The L-shaped footprint of the proposed building is not considered too large for the plot and provides enough space for parking and adequate amenity space.

It is noted that the Parish Council has raised concern around the design of the building and its footprint. Overall, the dwelling is of good quality design and the choice of materials is appropriate for the setting. If the dwelling were constructed on the High Street, then this would be a different matter because the design would be incongruous. However, the separate nature of the site, combined with the substantial screening reduces the site's context dramatically and means that the dwelling will not contribute to the village's streetscape, and vice versa. A contemporary design in this location is therefore considered acceptable. It is, however, appropriate to remove permitted development rights for alterations to the roof and future outbuildings for the site to strictly control the development in the open countryside.

Whilst some details of hard and soft landscaping have been submitted, this will need to be conditioned to ensure the visual impact of the development is managed sufficiently.

Providing conditions are adhered to, 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 Policy DP1 (Local Identity and Distinctiveness) and DP7 (Design and Amenity of New Development) of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

IMPACT ON HERITAGE ASSETS

The site is a parcel of land which extends beyond the grade II listed Higher House and is separated from it by a hedge. The site is not in or near a conservation area, but there are two other grade II listed buildings to the north and east (barn adjoining Huntswell House, and Bridge Farmhouse).

The application is supported by a Heritage Statement which makes an assessment of the nearby heritage significance. The application site is surrounded on all sides by substantial hedging and because of this the site is very much separated from the surrounding fields. There are not many views into or from this parcel of land from those nearby, and because of this, the site itself does not form an important part, or contribute to the setting of these listed buildings.

The proposed single storey dwelling in the centre of the application site will not significantly alter the character of the site. Furthermore, the substantial planting around the site, which should be retained, will act as adequate screening to preserve the separation between the site and the neighbouring land. On this basis, there will be no harm to the setting of the heritage assets and so their significance will be preserved.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering development within the setting of a listed building, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would preserve the setting of the nearby listed buildings, thereby resulting in no harm to the significance of the designated heritage assets. The proposal accords with Policy DP3 (Heritage Conservation) of the adopted Local Plan Part 1 (2014) and part 16 of the National Planning Policy Framework.

SUSTAINABLE CONSTRUCTION

The siting, layout and design of buildings can have a fundamental impact on energy efficiency and can be addressed through the planning system. Policy DP7 (Design and Amenity of New Development) requires proposals for new development to demonstrate that they incorporate all practical measures to achieve energy efficiency through siting, layout and design and maximise opportunities for:

- the use of sustainable construction techniques
- the use of sustainable drainage systems
- renewable energy generation on site
- the use of water efficiency measures, recycling and conservation
- new residents to minimise, re-use and recycle waste
- use locally sourced or recycled materials wherever practically possible
- undertake construction in a manner that makes efficient use of materials and minimises waste.

Given the requirements of policy DP7 and the Council's green pledge, conditions are attached to ensure that sufficient measures are designed into the scheme and secured.

IMPACT ON RESIDENTIAL AMENITY

The closest neighbouring property to be affected by the development is Squires to the west. The properties would be separated by ample garden space and a boundary hedge line between the plots. Due to the fact both these buildings are bungalows, it is considered there is a sufficient distance to protect amenity.

To the north and east of the site are open fields to other neighbouring residential properties, and the garden of Higher House, which provide an adequate separation distance.

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 (Design and Amenity of New Development) of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

HIGHWAY SAFETY

There is adequate parking and turning within the site. Whilst visibility is considered to fall short of highways standing advice, Mardis lane is a single car width and given the proximity of the site to the adjacent main road (High Street) traffic speeds are unlikely to be raised above the road speed limit. Additionally, the parish council note this road is used for horses/walkers which would impede potential speeds.

The proposed parking is noted as four spaces, the property is three bedrooms therefore this is more than the recommended in highways standing advice.

Conditions are recommended to ensure the access is consolidated, with any gates hung inwards 6m back from the carriageway and the provision of visibility splays; the proposed car parking and manoeuvring space to be set out and retained.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with Policy DP9 (Transport Impact of New Development) and DP10 (Parking Standards) of the adopted Local Plan Part 1 (2014) and part 4 of the National Planning Policy Framework.

ARBORICULTURAL IMPLICATIONS

The new dwelling will not involve the removal of any trees, but it will remove a section of hedge fronting onto the lane. Overall, it is considered that the impact of the development to vegetation is acceptable with the imposition of relevant conditions.

ECOLOGICAL IMPLICATIONS

A Preliminary Ecological Appraisal Report has been submitted which assess the various species and habitats on site and makes recommendations to safeguard these. The

Council's ecologist has considered the findings of the report and has not raised any objection to the scheme, subject to the inclusion of conditions.

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 increase the total phosphorous through both the wastewater treatment effluent as well as surface water run-off from public open space associated with the scheme.

The application is accompanied by a Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS). The report shows that the proposed development would give rise to a phosphate surplus of 0.58 kgP/year. Mitigation will be off set in the form of purchasing nutrient credits from Yew Tree Farm Phosphorus Credits Scheme. The supporting Shadow Habitats Regulations Assessment (sHRA) includes an agreement with Yew Tree Farm to purchase the required credits and a Deed of Allocation has been provided.

Natural England have formally approved the NNAMS and sHRA prepared on behalf of the applicants. The Council supports this view and adopts the sHRA to fulfil its responsibilities under Regulation 63 the Conservation of Habitats and Species Regulations 2017 (as amended).

Conditions have been included and providing these are adhered to, the proposal is considered ecologically acceptable.

FLOODING AND DRAINAGE

The site is not located within any designated flooding areas. However, the proposal will increase impermeable surface areas significantly and there should be an effort to adequately control surface water run-off.

Concerns raised by the Council's Drainage Engineer have been addressed through the submission of additional drainage details which proved the viability of infiltration and soakaway.

Foul discharge will require a new connection to the existing mains sewer which can be obtained through Wessex Water, who have not raised any objection to the application.

Subject to conditions, the proposal is considered acceptable in flood risk and drainage terms, in accordance with policies DP7 (Design and Amenity of New Development), DP8 (Environmental Protection) and DP23 (Managing Flood Risk) of the adopted Local Plan Part 1 (2014).

REFUSE AND RECYCLING

The proposed dwelling has adequate outdoor amenity space to provide refuse and recycling bins/containers, which would be brought out to suitable locations on collection day. These arrangements are acceptable.

OTHER MATTERS

The application site is in a mineral consultation area but given the proximity to residential properties it is not considered that minerals extraction would be a viable option in this location.

PLANNING BALANCE / CONCLUSION

The overall thrust of Government Policy as set out in the NPPF is to encourage the delivery of sustainable development and for Local Authorities to significantly boost the supply of housing. The application would deliver one dwelling which is given significant weight in the planning balance, particularly in the context of the lack of five-year housing land supply in the district.

Although the application site is situated within the open countryside there is a residential dwelling (Squires) immediately west, and other residential properties which fall within the settlement boundary (along The High Street) to the east. As such, the proposed dwelling would not be considered isolated. Furthermore, the occupiers of the proposed dwelling would have access to some services and facilities within the nearby Lydfords and Keinton Mandeville without having to necessarily rely on private vehicular travel.

The proposal will deliver simultaneously, economic and social benefits in the form of employment opportunities during the construction period, an increase in population and the consequent use of local businesses and services in the location, including through council tax receipts. The addition of one dwelling would contribute towards the current shortfall in housing across the district. With regard to environmental benefits, ecological enhancements, as well as sustainable technologies, can be secured by conditions.

No heritage harm has been identified and there are no residential amenity, highway safety, arboricultural, ecological, flooding or drainage issues which are not capable of being resolved through the attachment of appropriate conditions.

No adverse impacts have been identified which would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF

taken as a whole. Paragraph 11(d) of the NPPF therefore directs that planning permission should be granted.

On this basis, the proposed development represents sustainable development, and the application is recommended for approval, subject to conditions.

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.

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:

11 May 2020 - PL4278 /1 - LOCATION PLAN

11 May 2020 - PL4278 /2 - EXISTING SITE PLAN

05 Sep 2023 - PL4278 /3A - BLOCK PLAN

11 May 2020 - PL4278 /4 - FLOOR PLANS

05 Sep 2023 - PL4278 /5A - PROPOSED ELEVATIONS

11 May 2020 - PL4278 /6 - SITE SECTIONS

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

3. **Materials (Compliance)**

The development hereby approved shall be carried out using external facing and roofing materials as specified on the application form.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **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),
- (d) any retained planting, and
- (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).

5. **Removal of Permitted Development Rights - No extensions or alterations (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require the detailed consideration by the Local Planning Authority to safeguard the appearance of the development within context and the amenities of the surrounding area and residents in accordance with Policies DP1, DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Removal of Permitted Development Rights - No outbuildings (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages or other free-standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those granted by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area and residents in accordance with Policies DP1 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

The dwelling hereby approved shall not be occupied until it is served by a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. water butts) which 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 Policies DP7 and DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

8. **Parking Area (Bespoke Trigger)**

No construction above slab level shall commence until plans showing a parking area (providing for four vehicles), including full details of the surfacing materials, space dimensions and turning circles, has been submitted to and approved in writing by the Local Planning Authority. No occupation shall commence until the parking area has been constructed in accordance with the approved details and shall not thereafter be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Policies DP9 and DP10 of the

9. **Erection of Gates (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), any gates erected or installed at the vehicular access hereby approved shall be permanently hung to open away from the public highway and set back a minimum of 6m from the adjoining carriageway edge.

Reason: To ensure that vehicles do not cause an obstruction in the interests of highway safety in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

10. **Ecological Appraisal (Compliance)**

The development hereby approved shall be implemented in full accordance with the Preliminary Ecological Appraisal (PEA) undertaken by Nash Ecology, dated July 2023, incorporating all of the recommendations including opportunities for ecological enhancement set out in Section 5 - Identification of Ecological Constraints and Recommendations (pages 14 to 18) under the supervision of a competent Ecologist. The PEA shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with Policy DP5 of the Mendip District Local Plan Part I: Strategy & Policies 2006-2029 (Adopted 2014) and Government policy for the enhancement of biodiversity within development as set out in paragraph 180(d) of the National Planning Policy Framework.

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

No external lighting shall be erected or provided on the site until a "lighting design for bats" has been submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. Lux levels should be below 0.5 Lux on key and supporting features or habitats. All external lighting shall thereafter be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with Policies DP5 and DP6 of the

12. **Nesting Bird Protection (Bespoke Trigger)**

No removal of trees, hedges, or shrubs shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority. No tree hedge or shrub shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection scheme.

Reason: To protect nesting birds and prevent ecological harm in accordance with Policy DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

13. **Phosphate Credits Allocation Certificate (Pre-Commencement)**

The development hereby permitted shall not be commenced until an Allocation Certificate has been submitted to and approved in writing by the Local Planning Authority which addresses the additional nutrient input arising from the development within the fluvial catchment area upstream of the Somerset Levels and Moors Ramsar site and on the same hydrological pathway.

The Allocation Certificate shall be a written certificate issued by the phosphate credit provider confirming the allocation of the full phosphate credit requirement generated by the development, thereby mitigating the additional nutrient load imposed on the Somerset Levels and Moors Ramsar site by the development when fully occupied enabling the local planning authority to conclude on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected site, having regard to the conservation objectives for the site.

Reason: To ensure that the proposed development is phosphate neutral in perpetuity in accordance with Policies DP5 and DP8, as well as Paragraphs 174 and 180-182 of the National Planning Policy Framework (September 2023).

14. **Water Usage in Phosphate Affected Area (Pre-Occupation)**

The dwelling hereby approved shall not be occupied until:

- i. the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with; and
- ii. a notice specifying the calculated consumption of wholesome water per person

per day relating to the dwelling as constructed has been given to the appropriate Building Control Body and a copy of the said notice provided to the Local Planning Authority.

Reason: To improve the sustainability of the dwellings in accordance with Paragraphs 134, 154 and 180 of the National Planning Policy Framework (July 2021)

15. Surface Water Drainage (Compliance)

The development shall only be carried out in accordance with the Surface Water Drainage details (by JRC Consulting Engineers) submitted by email from the agent dated 06.08.2020.

Reason: In the interests of providing a satisfactory level of surface water drainage, improving water quality and to prevent flooding in accordance with Policy DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

16. Drainage - Foul (Pre-commencement)

No development shall commence until a detailed scheme for the disposal of foul drainage from the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and completed prior to the occupation of the dwelling(s).

Reason: In order to ensure the provision of satisfactory drainage and avoid pollution of the environment. This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may prejudice the foul drainage strategy.

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.

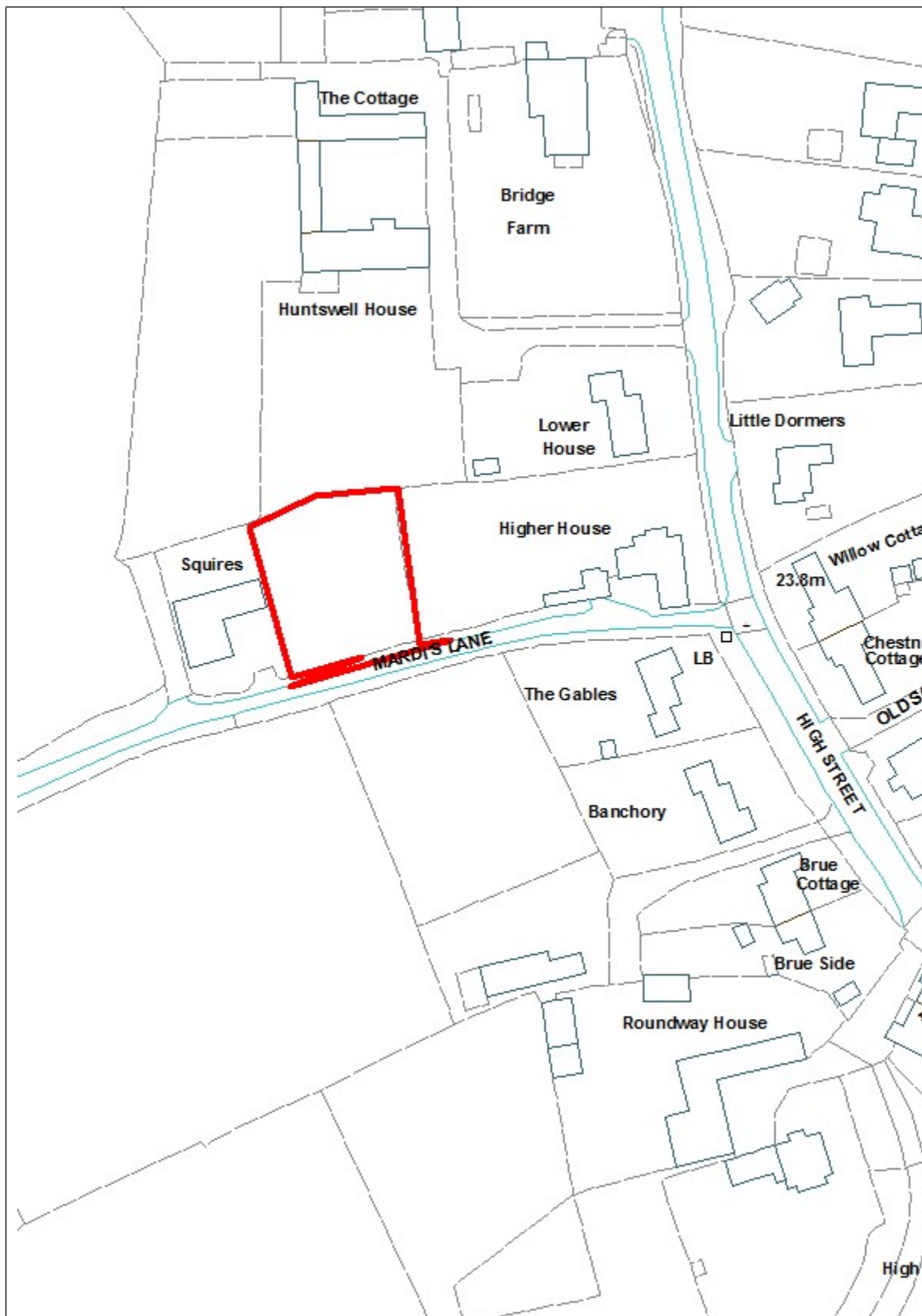
Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

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 Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co operation in this matter is greatly appreciated.

5. The applicant is advised of the need to consult the Highways Department, Somerset Council (Tel:- 0300 123 2224) prior to commencing works adjacent to the public highway.
6. 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/>
7. Under Section 163 of the Highways Act 1980 it is illegal to discharge water onto the highway. You should, therefore, intercept such water and convey it to the sewer.
8. If development is commenced without supplying the Local Planning Authority with an Allocation Certificate in respect of P-credits, then the implementation of your planning permission may be rendered unlawful. This requirement is considered to go to the heart of the permission and therefore you must obtain formal discharge of the condition prior to commencing any works on site.
9. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations, or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during the implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest opportunity.

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Planning Board Report 6th February 2024
Land East Of Squires
Mardis Lane
West Lydford
Somerton
Somerset

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Application Number	2023/1850/FUL
Case Officer	Carlton Langford
Site	Land At 364102 150298 Stockhill Road Chilcompton Radstock Somerset
Date Validated	27 September 2023
Applicant/ Organisation	D Fowler
Application Type	Full Application
Proposal	Erection of 1no. dwelling.
Division	Mendip Hills Division
Parish	Chilcompton Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

10. Referral to Planning Committee:

The officer recommendation is for approval , and therefore in accordance with the scheme of delegation this application is referred to Planning Board as a departure from the local plan.

Description of Site, Proposal and Constraints:

This application relates to domestic curtilage at The Old School (131) Stockhill Road Chilcompton. The application site is situated outside the development limits of Chilcompton, some 260m to the south of this Primary Village and is within a bat consultation zone.

This application seeks Full Planning Permission for the erection of a single dwelling units within the curtilage of the Old School.

Relevant History:

077098/005 – Conversion of school to dwelling – Approved 2000.

077098/006 – Erection of Dwelling – Refused 2002 -

The proposed development by virtue of its proximity to the adjacent farm unit, to the south, would be adversely affected by noise and smell emissions emanating from that unit which

would create an unsatisfactory environment for future occupiers/users of the proposed development, contrary to Policy Q1/2 - Design Quality and Protection of Amenity, Q15 - Noise Sensitive Development of the Mendip District Local Plan Deposit Draft as amended by suggested Pre-Inquiry changes Feb 2000 and further suggested changes before the close of the Public Local Inquiry Dec 2000.

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

Ward Member: No response

Parish Council: No objections

Ecologist: No response

Highways Development Officer: Standing Advice

Environmental Protection: We have no objections to this proposal except hours of construction operations due to proximity of other residential:

Noise emissions from the site during the development, i.e. the demolition, clearance and redevelopment of the site, shall not occur outside of the following hours:

Mon - Fri 08.00 - 18.00

Sat 08.00 - 13.00

All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

Local Representations: None received.

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 Local Plan Part II: Sites and Policies, Post-JR version, 16 December 2022.
- 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
- CP2 - Housing
- CP4 – Sustainable rural communities.
- DP1 – Local Identity and distinctiveness
- DP5 - Ecology
- DP6 – Bats
- 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
- 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:

Principle of the Use:

The village of Chilcompton is a designated Primary Village under Policy CP1 of the Local Plan but the application site is situated outside the village development limit and therefore classed as countryside.

As the site is located in the countryside, the proposal does not accord with the strategy for the delivery of new housing, as set out in the Local Plan. Policies CP1 and CP2 which 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 DP12, 13, and 22), which do not apply in this case.

The Council 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 and CP2) do not carry full weight in the decision-making process. 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.

Although the site is within a countryside location in policy terms, it is not considered to be an isolated site, located, along with at least 2 dozen other dwellings only 260m south of the village and therefore not considered to be in a wholly unsustainable location remote from services or facilities of which Chilcompton boasts numerous including access to public transport.

Therefore, with the site not being isolated nor wholly unsustainable, the 'tilted balance' is applied, and planning permission should only be refused where there a clear relevant development plan policies which would significantly and demonstrably outweigh the benefits of the scheme when assessed against the NPPF taken as a whole or where its specific policies indicate that development should be restricted. This aspect of the proposal will be assessed below, and all of the factors weighed in the balance at the end of this report.

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

It is proposed to erect a new 1.5 storey 3-bedroom dwelling with an associated carport on existing residential land at no. 131 The Old School.

The proposed dwelling is designed aligned with the existing dwelling as seen on the submitted plans. This enables the proposed dwelling to connect well with the immediate context whilst also providing sufficient space to utilise the existing vehicle access.

The proposed dwelling has been designed to be 1.5 storey in height, so the ridge line matches that of the adjacent barn at Downside Farm. The contemporary form of the dwelling takes a simple yet well considered gabled shape with an extended catslide roof to the north, so the scale of the proposed dwelling complements the existing dwelling form (the Old School).

The proposed carport will be a simple open oak framed design with a hipped slate roof to match the existing adjacent roadside outbuilding at Downside Farm.

3no. main materials are proposed for the new dwelling being, zinc standing seam for the roof and walls, vertical western red cedar boarding (composite panels for durability/improved maintenance) for the walls and a section of natural stone near the main entrance. The proposed design takes on a modern 'barn like' appearance to respond to the immediate setting whilst distinctly resembling a contemporary dwelling design and at the same time respecting the materials palette synonymous to the area. The use of full height dark grey PPC aluminium windows and doors completes the overall external appearance.

The overall design and appearance of the scheme, albeit contemporary in its approach, is considered to contribute positively to the maintenance and enhancement of local identity and distinctiveness and of a scale, mass, form and layout appropriate to the local context in accordance with Policies DP1 and DP7 of the LP.

Impact on Residential Amenity:

The layout and orientation of the dwelling raises no adverse amenity issues of overlooking or overshadowing which might warrant refusal.

Whilst the Council previously refused an application on this site on amenity grounds being located adjacent to a working farm, the Council's Environmental Protection Officer has reviewed this current application and has raised no objections to the scheme. The small holding has been located within this established residential area for decades and has occupied this close relationship for generations, with no known history of complaints.

The proposal will protect the amenity of users of neighbouring buildings and land uses and provide a satisfactory environment for current and future occupants in accordance with Policies DP7 and DP8 of the LP.

Impact on Ecology:

The site has negligible suitability to support wildlife at present save for surrounding vegetation which has suitability for nesting birds.

The applicant has suggested that nesting boxes are erected on existing trees, bat roost tiles fitted to the carport and sensitive external lighting be installed.

It is recommended that in the absence of any significant protected wildlife or wildlife habitats on site, a precautionary approach to development in relation to bats and nesting birds is ensured, provision is made for nesting birds and bats as recommended and all new external lighting be bat sensitive.

All the above recommendations can be secured through condition.

On this basis the application scheme accords with the provision of policies DP5 and DP6 of the Local Plan.

Assessment of Highway Issues:

The existing vehicle access is proposed to be deepened so entrance gates are set back 5m from the highway. This still enables a turning area, open double carport and parking spaces to be allocated at the front of the property whilst not impacting the existing dwelling. The scheme will incorporate an electric vehicle charger as shown on the proposed plans.

The access is considered to be acceptable in terms of highway safety and sufficient off-street parking and tuning has been provided in accordance with the Countywide Parking Strategy.

The scheme accords with Policies DP9 and DP10 of the LP.

Sustainability and Renewable Energy:

Sustainable building techniques are to be incorporated into the build along with other measures such as solar panels and the provision of EV charging point.

Refuse Collection:

Ample space within the site to accommodate 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.

Conclusion and Planning Balance:

Paragraph 11 of the NPPF sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining applications for new housing and which are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Given the lack of a five-year housing land supply, paragraph 11 d) of the Framework is engaged.

The benefits of the proposal, a single dwellinghouse, would make a very modest contribution to assisting the Council's shortage of housing land within the District as a whole. The proposal would have some economic benefits for the duration of the construction phase and thereafter for local services and facilities within the nearby primary settlement village of Chilcompton.

The amount of weight given to these benefits is however limited. However as set out in the technical assessment of the application scheme, no demonstrable harm has been identified in terms of the usual planning controls of design, amenity, highway safety etc. The proposal is within conceivable walking distance of a primary village with numerous services and facilities including public transport, the site itself is a logical infill site within a relatively built-up street scene and by no means can the site's location be considered isolated.

In the absence of any specific identified and demonstrable harm, and taking into account the limited benefits, a recommendation for approval is on balance considered justified.

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:

F1751/001A

F1751/101B

F1751/102B

F1751_100C

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

3. **Materials - Submission of Schedule and Samples (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Access, Parking and Turning Areas (Pre-occupation)**

No occupation shall commence until the access, parking and turning areas have been constructed in accordance with details shown on the approved plans (F1751/102b). The vehicular access, parking and turning shall thereafter be kept clear of obstruction and shall not be used other than for the access and parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that suitable access, parking and turning areas are provided and thereafter retained in the interests of amenity and 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 (Pre-occupation)**

No occupation of the development shall commence until the visibility splay shown on drawing number F1751/102b have been provided. There shall be no on-site obstruction exceeding 900mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure sufficient visibility is provided 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).

6. **Carport (Compliance)**

The carport hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose.

Reason: To ensure adequate off-street parking provision is retained in accordance with Policy DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

7. **Wildlife Protection and Enhancement (Pre-commencement)**

Notwithstanding the details submitted, no development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include for the protection of bats and birds and necessary biodiversity enhancements. All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

Notwithstanding the details submitted, no external lighting shall be erected or provided on the site until a "lighting design for bats" has been submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall thereafter be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

The dwelling hereby approved shall not be occupied until it is served by an electric vehicle charging point. The 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).

10. **Hard and Soft Landscaping (Compliance)**

All hard and/or soft landscape works shall be carried out in accordance with the approved details (Drawing F1751/102b). The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

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

11. **Removal of Permitted Development Rights - No extensions or alterations (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling or other building hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area and residents in accordance with Policies DP1 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

12. **Removal of Permitted Development Rights - No outbuildings (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling hereby approved, other than those granted by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area and residents in accordance with Policies DP1 and DP7 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.

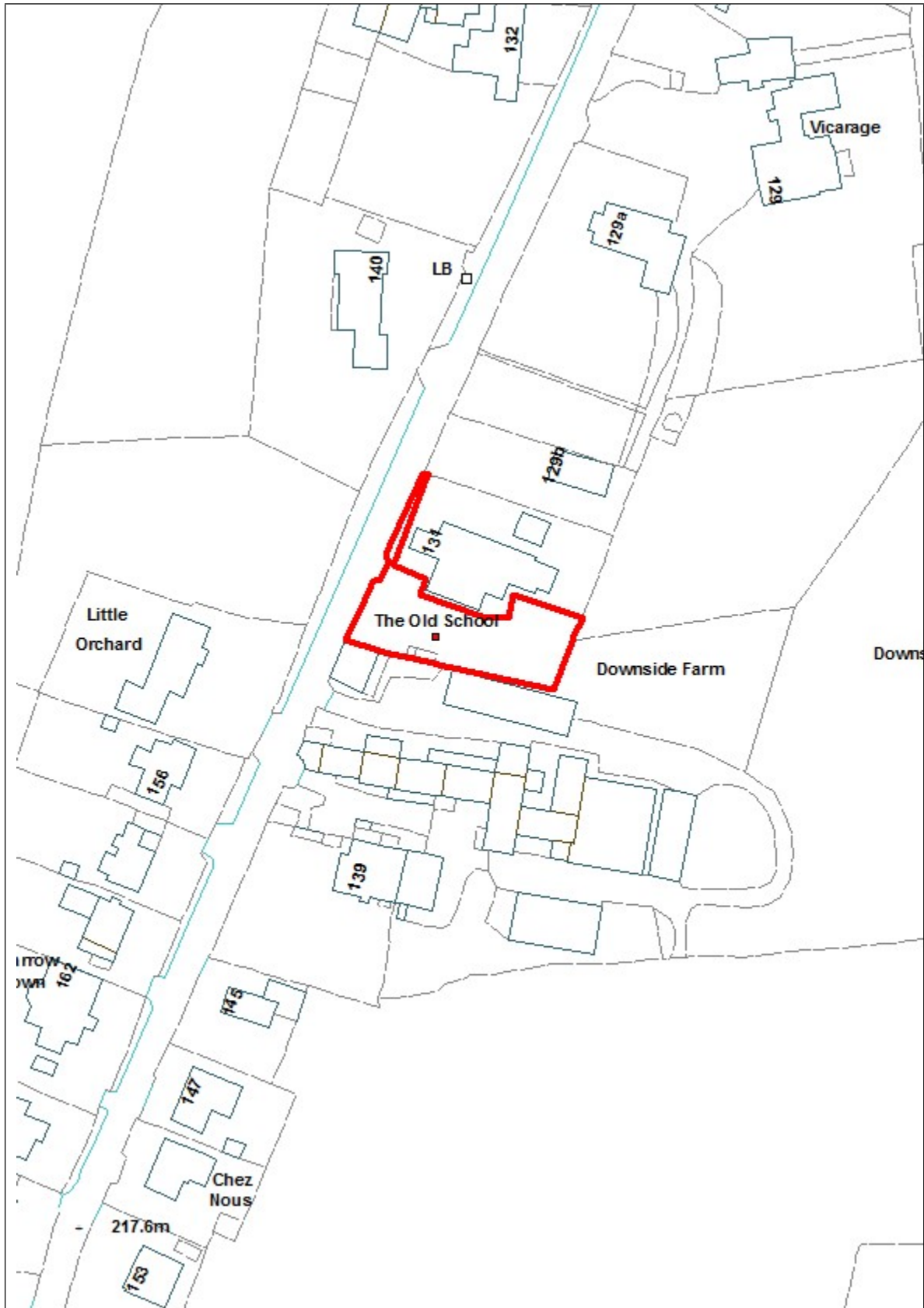
Please note all conditions should be read fully as these headings are intended as a guide only.

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 applicant is advised of the need to consult the Highways Department, Somerset Council (Tel:- 0300 123 2224) prior to commencing works adjacent to the public highway.
4. Under Section 163 of the Highways Act 1980 it is illegal to discharge water onto the highway. You should, therefore, intercept such water and convey it to the sewer.
5. 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.
6. 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.
7. No removal of buildings, structures, trees or shrubs shall take place between 1st March and 31st August unless an experienced ecologist has checked the Site for breeding/nesting birds. If there is evidence of breeding birds the work must be delayed until the chicks have fledged or suitable working distances observed so as not to disturb the birds.



Planning Board Report 6th February 2024
Land At 364102 150298
Stockhill Road
Chilcompton
Radstock
Somerset

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Application Number	2023/0167/VRC
Case Officer	Carlton Langford
Site	Duke Of Cumberland Inn Edford Hill Holcombe Shepton Mallet Somerset
Date Validated	7 February 2023
Applicant/	T Brett
Organisation	Banwell House Pub Co Ltd
Application Type	Variation or Removal of Conditions
Proposal	Removal of conditions 3 (Delivery Hours) and condition 9 (Parking) on consent 2020/0242/FUL (The conversion of a free house into a farm shop and kitchen cafe. Attached micropub and side extension for added seating areas. First Floor alterations for 2 separate staff accommodations.)
Division	Mendip Hills Division
Parish	Holcombe Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

10. **Referral to Ward Member/Chair and Vice Chair:**

The application has been referred to the Planning Committee at the request of the Chairman and as the case officer's recommendation to refuse differs from that of the Parish Council.

Since the officer recommendation was completed on this application approval has been granted for a self contained car park away from the pub site under LPA case ref:2022/1618/FUL.

Notwithstanding the provision of this additional car parking as approved (but not yet delivered), the arrangements for deliveries to the pub and the changes to the use of the area for vehicular parking directly opposite the pub site which are proposed and considered below remain unacceptable for the reasons as set out in the report.

Description of Site, Proposal and Constraints:

This application relates to the Duke of Cumberland Inn, Holcombe.

The site has planning permission which has been implemented for the conversion of the free house into a farm shop and kitchen cafe. Attached micropub and side extension for added seating areas which included first floor alterations for separate staff accommodations.

Attached to this permission were the following conditions –

Condition 3 - Deliveries shall be taken at or despatched from the site only between Monday - Saturday 07:00 hours till 20:00 hours, and not at any time on Sundays or on Bank or Public Holidays.

Reason: To safeguard the amenities of adjoining occupiers having regards to Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Condition 9 - The areas allocated for parking and turning on the submitted plan DT076A (REVISED SITE MAP) shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure that sufficient parking is provided to serve the approved development 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).

This current application seeks to remove condition 3 to allow unrestricted delivery times to the site and to remove condition 9, allowing the unrestricted use of the carparks and therefore, the siting of a bin store within the car park to the north.

Relevant History:

2020/0242/FUL - The conversion of a free house into a farm shop and kitchen cafe. Attached micropub and side extension for added seating areas. First Floor alterations for 2 separate staff accommodations – Approved Nov 2020.

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

Ward Member: No response

Parish Council: Recommend approval.

Highways Development Officer: Recommend refusal for reasons of loss of parking and highway safety.

Environmental Protection: Object - To protect the amenity of the adjacent residential properties EP object to any change to Condition 3, as 0700 is early enough for deliveries in this rural setting and Condition 9, as siting of the bins on this car park has caused considerable problems with overspill of refuse and resulting odours.

Local Representations: 3 letters of objection have been received raising the following summarised issues:

1. Noise disturbance
2. Loss of parking
3. Highway safety

1 letters of support have been received.

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)

- Somerset Countywide Parking Strategy

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

- CP1 – Mendip Spatial Strategy
- CP3 – Business Development
- DP7 – Design and Amenity
- DP8 – Environmental Protection
- DP9 – Transport Impact
- DP10 – Parking Standards

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 principle of development is already established on site in accordance with permission ref: 2020/0242/FUL and the conditions attached thereto.

This application seeks to remove conditions attached to the aforementioned permission to allow unrestricted delivery times and unrestricted use of the car parks which will be assessed against all policies within the Development Plan.

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

The applicant suggests that the condition to restrict the use of the car parks for parking has meant that refuse bins are stored elsewhere on site which encroach on customer enjoyment and potentially create a pest and smell issue closer to the seating area.

The application merely outlines on plan an area where bins will be located permanently within the north car park with no mention of an enclosure or screening. The bins will be prominent within the street scene when viewed from the highway and surrounding area.

Policy DP7 requires, amongst other things, that developments be appropriate within context ensuring attractive places for current and future occupants. In this regard, an open bin storage area will be an unsightly addition to the car park area having a detrimental impact on the character and appearance of the street scene and wider area.

Impact on Residential Amenity:

Permission for the development under planning permission ref:2020/0242/FUL was only considered acceptable in terms of neighbouring amenity, if deliveries to and from the premises were restricted to the relatively generous hours as stated within condition 3 –

Condition 3 - Deliveries shall be taken at or despatched from the site only between Monday - Saturday 07:00 hours till 20:00 hours, and not at any time on Sundays or on Bank or Public Holidays.

Reason: To safeguard the amenities of adjoining occupiers having regards to Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

The Council's Environmental Protection Officer has reviewed the proposal again with regard to removing this condition and as on the previous permission maintains that deliveries outside of the restricted hours would have a detrimental impact on nearby residents and other land users contrary to the provisions of Policies DP7 and DP8 of the LP.

The removal of condition 9 would allow the unrestricted use of the car parks and the relocation of bins from the main premises to an area within the north car park. Again, the Environmental Protection Officer has reviewed the proposal and has concluded that the bins will be sited closer to neighbouring residential properties with the potential to cause considerable problems with overspill of refuse and resulting odours contrary to Policies DP7 and DP8 of the LP.

Assessment of Highway Issues:

As set out in the Highway Authority response to the original planning application, application ref: 2020/0242/FUL, the number of parking spaces as proposed were at the lower level of acceptability but were considered appropriate. It is noted that the proposed location for the bin store would not directly affect the number of parking spaces, it does have a severe detrimental impact to the ability to use two of the spaces, by eliminating the space required to manoeuvre in and out of them, this may lead to additional indiscriminate parking on the public highway.

The proposal would result in the loss of off-street parking encouraging the parking on the highway interrupting the free flow of traffic and thereby adding to the hazards of the highway contrary to Section 9 of the National Planning Policy Framework (NPPF) and Policies DP9 and DP10 of the LP.

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 removal of condition 3 and 9 of permission ref: 2020/0242/FUL would result in unacceptable harm in terms of amenity loss, highway safety, loss of parking and visual harm contrary to the provisions of Policies DP7, DP8, DP9 and DP10 of the Local Plan, the Somerset Countywide Parking Strategy and Policies within the National Planning Policy Framework to include those within Chapters 8, 9 and 12. The harm as identified in this case weighs considerably against any benefits which might be borne by the removal of the conditions and the application is therefore, recommended for refusal.

Recommendation

Refusal

1. The open storage of refuse bins within the car park will introduce an unsightly addition to the car park area having a detrimental impact on the character and appearance of the street scene and wider area contrary to the provision of Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
2. The removal of condition 3 would allow unrestricted delivery times to and from the premises which would have a detrimental impact on the residents of nearby residential properties and other land users by reason of traffic noise and noise disturbance associated with the loading and unloading of vehicles and manoeuvring of vehicles contrary to the provisions of Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
3. The removal of condition 9 would allow the unrestricted use of the car parks and the relocation of bins from the main premises to an area within the north car park closer to neighbouring residential properties to the detriment of their amenity by reason refuse odour nuisance and noise disturbance contrary to Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
4. The proposed development would in the LPA's view prejudice the safe use of the existing and approved car parking arrangement as approved under LPA case ref: 2020/0242/FUL would therefore be likely to encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic, thereby adding to the hazards of highway users at this point. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework (NPPF), the Somerset Countywide Parking Strategy and Policies DP9 and DP10 of the Mendip District Council Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

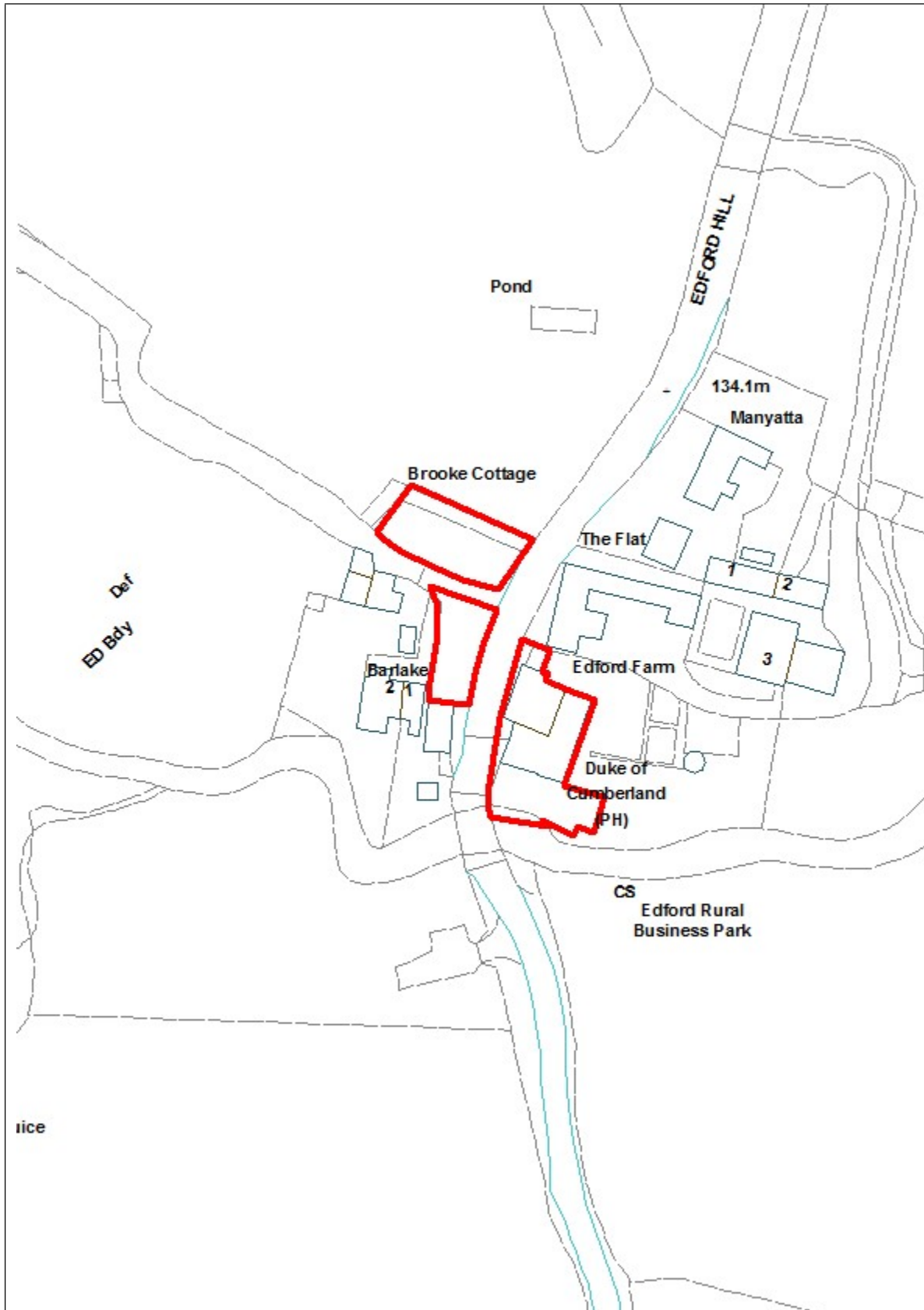
Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning 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 Location Plan and drawing number 1A.

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Planning Board Report 6th February 2024
Duke Of Cumberland Inn
Edford Hill
Holcombe
Shepton Mallet
Somerset
BA3 5HQ

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Planning East – Appeal Decisions

Please see below list of appeal decisions made by the Planning Inspectorate between 19th December 2023 and 22nd January 2024.

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

Application Reference	2022/1074/FUL
Site Address	Land Adj to Unit 1, Dyehouse Lane, Glastonbury, Somerset
Applicant/Organisation	C White, CWS Engineering Ltd
ApplicationType	Full Planning Permission
Proposal	Retention of 3no. Caravans for temporary 3 year use
Decision	Refusal (Ward)
Appeal Decision	Appeal Dismissed
Appeal Decision Date	08.01.2024



Appeal Decision

Site visit made on 2 January 2024

by Neil Pope BA (HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2024

Appeal Ref: APP/Q3305/W/22/3314152

Land adjacent to Unit 1, Station Works , Dyehouse Lane, Glastonbury, Somerset, BA6 9UU.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Colin White of CWS Engineering Ltd against the decision of Mendip District Council.
 - The application ref. 2022/1074/FUL, dated 7/5/22, was refused by notice dated 9/9/22.
 - The development proposed is the retention of 3 caravans (resubmission).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In April 2023, Mendip District Council was incorporated into Somerset County Council (the LPA).
3. The LPA has informed me that it is unable to demonstrate a 5 year housing land supply. It estimates that the current supply is between 2.87-2.94 years.
4. During my visit, there were three caravans on the appeal site. One of these was not in use and was in a rather poor condition. The appellant informed me that this was to be replaced by another caravan, also currently unoccupied, and sited nearby on land edged in a blue colour on the submitted plans.

Main Issues

5. The five main issues are: firstly, the effect upon the local economy, having particular regard to the provision of employment land and the need to support growth; secondly, the effect upon the local townscape; thirdly, whether there would be adequate living conditions for occupiers of the caravans, having particular regard to private amenity space, privacy and noise disturbance; fourthly, whether the development would be likely to contribute to an unacceptable increase in phosphate levels within the Somerset Levels and Moors Ramsar Site and; fifthly, the flood risk implications of the development.

Reasons

Planning Policy

6. The development plan includes the Mendip District Local Plan Part 1 2006-2029 and the Mendip District Local Plan Part II (LP). The most important policies to the determination of this appeal are CP3 (supporting business development and growth), DP1 (local identity and distinctiveness), DP5 (biodiversity), DP7

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(design and amenity), DP8 (environmental protection), DP20 (reuse of employment sites), DP23 (flood risk) and DP25 (employment land).

7. My attention has also been drawn to the LPA's Supplementary Planning Document (SPD) 'Marketing and Business Evidence to Support Planning Applications' (2017).
8. In determining this appeal, I have also had regard to the provisions of the National Planning Policy Framework (the Framework).

First Main Issue - Local Economy

9. LP policy CP3 supports business development and growth. LP policy DP20 supports the reuse of employment sites where, amongst other things, development would deliver comparable employment generation or wider economic benefits and would not prejudice LP policy CP3. Under LP policy DP25, proposals will be supported which maintain the integrity of, and support investment in jobs, premises and infrastructure within established employment areas. Proposals for the change of use to non-employment sites are set out within the LPA's SPD.
10. The LPA has informed me that the appeal site is in established industrial use and is identified for employment use as part of the LP. As I saw during my visit, immediately to the north of the site there are two industrial buildings owned by the appellant (neither of which appeared to be in use). Immediately to the south of the site (and on part of the former Somerset and Dorset railway line) there is a storage container depot. To the south west of the site there is a sizeable scrap/breakers yard.
11. The access to the appeal site also serves some other business premises (including the two above noted industrial buildings), two flats/apartments and a pair of bungalows. All of these buildings/premises are also owned by the appellant. I understand that the appeal site was formerly garden space to the bungalows alongside which, in the past, were occupied by railway employees.
12. I recognise the economic need to ensure that there is variety and choice in the availability of employment land and buildings within this part of Somerset. The loss of employment land and/or buildings could also undermine efforts to support or strengthen the local economy. However, as explained by the appellant, the caravans would provide accommodation, during part of the working week, for those employed (skilled engineers) in his businesses and who are unable to find affordable rented accommodation within the local area. In this regard, I have noted above the current housing land supply position.
13. The caravans would be stationed on the appeal site for a limited period of time and would not entail the loss of land that has previously been used for employment purposes or result in the permanent loss of land allocated for employment use. Moreover, the provision of residential accommodation, which could be tied by way of suitably worded planning condition, would help attract and/or retain the necessary labour to support the appellant's businesses. In so doing, the proposal would accord with the objectives of LP policy CP3 and would not conflict with LP policies DP20 or DP25.
14. I conclude on the first main issue that the proposal would help to support the local economy.

Second Main Issue - Townscape

15. I note the concerns of the LPA that the caravans are of an unsympathetic design and appearance, have a haphazard layout and fail to maintain local identity. However, the LPA has also informed me that the character of the area is dominated by industrial uses and development. As I saw during my visit, the neighbouring scrap/breakers yard, storage containers, industrial buildings and commercial premises are lacking in any distinctive character or local identity. The design of the flats/apartments and bungalows alongside are also unremarkable and caravans are what they are.
16. Whilst I recognise the importance of encouraging good urban design, it is unclear to me what distinctive qualities or attributes of the built environment the LPA is seeking to encourage here. Although the caravans can be seen from a public footpath that bisects the countryside to the north of the appeal site, they appear against the backdrop of the scrap/breakers yard, the container storage depot and in the context of a variety of industrial buildings. They cannot reasonably be said to harm the character or appearance of the area.
17. I conclude on the second main issue that development does not detract from the townscape quality (such as it is) of the local environment. There is no conflict with the provisions of LP policies DP1 or DP7.

Third Main Issue - Living Conditions

18. There is no private external amenity space set aside for the occupiers of the caravans and the caravans are closely grouped together. Whilst I note the LPA's concerns regarding the likely impact for future occupiers, the caravans are intended to be used only as overnight accommodation (Monday-Thursday) and for employees of the appellant's neighbouring business.
19. The caravans would not be the sole or main residence of the occupiers and are unlikely to be occupied during daylight hours, other than at breakfast and dinner times in the summer months. Although not ideal (the terms of any separate Caravan Site Licence that may be required could stipulate separation distances for the caravans and/or provision of amenity space) on balance, and for the limited duration of the overnight stays/sleeping accommodation, the absence of private amenity space and the proximity of the caravans to one another would provide adequate living conditions.
20. As I saw and heard during my visit, the caravans are in close proximity to various industrial/business premises, some of which are capable of generating significant volumes of noise. In this regard, activity within the scrap/breakers yard was clearly audible when standing on the appeal site. If uses were to resume from the neighbouring industrial buildings there could be further noise disturbance. This is not an area where general residential development is to be encouraged as it would be very unlikely to provide a satisfactory living environment for residents. This could also result in noise complaints being made to the LPA which, in turn, could affect the efficient operation and viability of neighbouring businesses.
21. However, the LPA has not made me aware of any noise complaints from occupiers of the neighbouring flats/apartments or the bungalows immediately alongside. Furthermore, the caravans would be occupied when neighbouring businesses are likely to have ceased operating for the day or had yet to

commence operating. As the appellant has control over some of the neighbouring industrial/business premises and the occupiers of the caravans would be employed in other neighbouring industrial /business premises, there would be a measure of control over some activities around the appeal site.

22. I conclude on the third main issue that, on balance, the proposed development would provide adequate living conditions for occupiers of the caravans and there would be no conflict with the provisions of LP policies DP7 or DP8.

Fourth Main Issue - Somerset Levels and Moors Ramsar Site

23. I understand that the appeal site lies within the hydrological/fluvial 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. Natural England has advised that poor water quality, due to nutrient enrichment from elevated levels of phosphorus, has resulted in a loss of biodiversity¹ within these protected areas and has led to them being in an 'unfavourable condition'.

24. The proposed development could result in an unacceptable increase in phosphate levels from foul water discharges entering into the above noted hydrological/fluvial catchment. If this was to arise, it would have further adverse effects upon biodiversity within the Ramsar Site and SPA and prevent this protected site from achieving its conservation objectives. This would conflict with the provisions of LP policies DP5 and DP8.

25. The appellant's agent has informed me that the development would be served by an existing cess pool. I understand that the foul waste is collected from here on a regular basis and is then discharged into a sewage works whose outflow drains into water courses away from the Ramsar Site and SPA. However, there are no details before me to demonstrate/substantiate this and there does not appear to be any mechanism in place (such as a planning obligation) to ensure that, in future, foul waste would not be discharged into the hydrological/fluvial catchment of this protected area.

26. On the basis of the information before me, I reach a similar finding to the Inspector who determined an appeal for a dwelling on a site at Wells that has been drawn to my attention (ref. APP/Q3305/W/22/3294179). It has not been demonstrated, beyond reasonable scientific doubt, that the proposed development would achieve nutrient neutrality.

27. I conclude on the fourth main issue that there is a realistic possibility that the development would contribute to an unacceptable increase in phosphate levels within the Somerset Levels and Moors Ramsar Site and SPA.

Fifth Main Issue - Flood Risk

28. Established national and local planning policies attach importance to the need to avoid increasing the risk of flooding and seek to direct development away from areas at highest risk. In this regard, the LPA has informed me that the appeal site lies within Flood Zone 2 (medium probability of flooding). It has also pointed out that the application was not accompanied by a Flood Risk

¹ I understand that, amongst other things, aquatic invertebrate communities are suffering the effects of hyper-eutrophication, caused by excessive levels of phosphates.

Assessment and no sequential test (aimed at steering new development to areas with the lowest risk of flooding) has been undertaken by the appellant.

29. I note the appellant's arguments that not all of the site is in Flood Zone 2, the caravans would be 600mm above existing ground level and would provide only temporary accommodation. However, both the development plan and the Framework require the application of the sequential test. Furthermore, even those sites which are used for short-let caravans are classed as 'more vulnerable' development for the purposes of assessing flood risk. The site could flood during the night when the caravans were being occupied, putting people (employees) at risk of danger.
30. It has not been demonstrated that there are no reasonably available sites appropriate for the development in areas with a lower risk of flooding. On the basis of the information before me, I am therefore led to find that there could be a more suitable site (lower risk of flooding) available. In the absence of a Flood Risk Assessment and application of the sequential test, occupiers of the caravans could be at unacceptable risk of flooding.
31. I conclude on the fifth main issue that the proposed development could have unacceptable flood risk implications and, in so doing, would conflict with the provisions of LP policy DP23.

Planning Balance/Overall Conclusion

32. My findings in respect of the first three main issues (local economy, townscape, and living conditions) do not outweigh or overcome the harm that I have identified in respect of the fourth and fifth main issues (potential adverse impact upon the Somerset Levels and Moors Ramsar Site and SPA, and the flood risk implications). Whilst the proposal would accord with some aspects of the development plan, it would conflict with other important LP policies and the provisions of the Framework when read as a whole. I therefore conclude, on balance, that the appeal should not succeed.

Neil Pope

Inspector

Application Reference	2022/1699/OUT
Site Address	Land at 376979 145064, Bulls Quarries Road, Tytherington, Frome
Applicant/Organisation	T Barney
Application Type	Outline Application Application for Outline Planning Permission with some matters reserved for change of use and 2no. travellers caravan pitches with details of access/landscaping/layout/scale. (part retrospective)
Decision	Refusal (Delegated)
Appeal Decision	Appeal Dismissed
Appeal Decision Date	18.01.2024



Appeal Decision

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2024

Appeal Ref: APP/E3335/W/23/3330385

Land to the west of Bulls Quarries Road, Tytherington, Frome

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms Tammy Barney against the decision of Somerset Council.
 - The application Ref 2022/1699/OUT, dated 19 August 2022, was refused by notice dated 29 March 2023.
 - The development proposed is change of use to create 2no. gypsy caravan pitches, with associated works (outline application) (part retrospective)
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Ms Tammy Barney against Somerset Council. That application will be the subject of a separate Decision.

Preliminary Matters

3. The appeal was submitted against the refusal of permission by Mendip District Council, which since the submission of the appeal, has merged with other Councils to form Somerset Council. As a result, I have referred to Somerset Council in the banner heading above.
4. I have taken the description of the development from the application form, though the description in the Council's decision notice only adds that the outline form of the application submitted was made with detailed access, layout, landscaping and scale. Inferred in the absence from either description was that the matter of appearance was saved for future consideration.
5. The proposal is essentially for a change of use of land to residential purposes to allow for the siting of residential caravans. Within the submitted Design and Access Statement, it refers to the proposal also comprising 1 no. cabin, 1 no. stable block and 2 utility blocks. These buildings would be incidental to the change of use of the land and primary occupation of the site within the proposed 2 no static caravans. The static caravans proposed would not fall under the definition of buildings and are therefore, in themselves, not development.
6. Section 92 of the Town and Country Planning Act 1990 (TCPA) sets out that outline planning permission is capable of being granted for development consisting in or including the carrying out of building or other operations, subject to conditions to include the requirement to seek reserved matters consent. Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) makes it clear that

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"outline planning permission" means a planning permission for the *erection of a building*, which is granted subject to a condition requiring the subsequent approval of the local planning authority with respect to one or more reserved matters".

7. Neither Section 92 of the TCPA or the provisions of the DMPO make provision for a grant of outline planning permission for a material change of use of land. It is not possible, therefore, under the provisions of either the TCPA or DMPO, to grant outline planning permission for the fundamental component of the proposal for which permission is sought. Where caravans are proposed, their design and appearance cannot be controlled other than perhaps by condition to specify the maximum number permissible on the site and whether of the touring or static type. This is not the role of a reserved matters application.
8. Before reaching my conclusion above, I gave consideration as to whether it might be possible, to deal with the 4 no modest buildings (cabin, stables and utility blocks) under the outline application submitted. However, these fall under the *"associated works"*, i.e., associated with the material change of use. In my view, there would be no merit in considering these in isolation of the change of use of land to residential purposes and the occupation of the site, primarily within the static caravans. As such, I cannot properly assess the likely impact of the scheme under the application type submitted and the outcome of the appeal would have been the same.
9. Whilst the Council reached an alternative view about the validity of the application and considered that sufficient information was available to reach a decision, I have reached an alternative view. Any quashing of the Council's decision is beyond the powers available to me under an appeal pursuant to S78 of the Town and Country Planning Act 1990.
10. On the basis of the above, the appeal does not succeed.

H Nicholls

INSPECTOR

Application Reference	2022/2191/PAA
Site Address	Norwood Farm, Bath Road, Norton St Philip
Applicant/Organisation	J Dawson, Dyson Farming Limited
Application Type	Prior Approval Prior Approval for a proposed change of use of agricultural building to 4no. dwellinghouses (Class C3) and for associated operational development.
Decision	Refusal (Delegated)
Appeal Decision	Appeal Allowed
Appeal Decision Date	22.01.2024



Appeal Decision

Site visit made on 14 December 2023

by **Laura Cuthbert BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 January 2024

Appeal Ref: APP/Q3305/W/23/3322556

Norwood Farm, Bath Road, Norton St. Philip, Frome, Somerset BA2 7LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr J Dawson of Dyson Farming Limited against the decision of Mendip District Council.
 - The application Ref 2022/2191/PAA, dated 2 November 2022, was refused by notice dated 29 December 2022.
 - The development proposed is change of use of barn to 4 dwellings.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the change of use of barn to 4 dwellings at Norwood Farm, Bath Road, Norton St. Philip, Frome, Somerset BA2 7LP in accordance with the terms of the application, Ref 2022/2191/PAA, dated 2 November 2022, and the details submitted with it, including Drawing Nos 4024-001-Rev C-Site location plan, 4024-008-Rev E-Proposed site plan, 4024-010-Rev C -Proposed development plan, 4024-011-Rev C-Proposed dwelling types, 4024-015-Rev-B-Proposed elevations west and south, 4024-016-Rev B-Proposed elevations north and east, 4024-017-Rev D-Conversion diagram, pursuant to Article 3(1) and Schedule 2, Part 3, Class Q. The approval is subject to conditions set out by Paragraph Q.2(3) of Schedule 2, Part 3, Class Q of the GPDO in that development must be completed within a period of 3 years from the date of this decision as well as the provisions specified in paragraph W.

Preliminary Matter

2. The main parties have set out the relevant planning history related to the site, which includes a previous appeal decision¹. The proposal was for the change of use of the same barn to 5 dwellings under the provisions of Schedule 2, Part 3, Class Q(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). It was allowed. However, it did not include any building operations for consideration. I have had regard to this appeal decision insofar as it is relevant to the development before me now.

Main Issue

3. The main issue in this appeal is whether the proposed change of use constitutes permitted development pursuant to Schedule 2, Part 3, Class Q of the GPDO, having regard to the extent of the building operations proposed.

¹ APP/Q3305/W/20/3259921

Reasons

4. Class Q of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Use Classes Order and any building operations reasonably necessary to convert the building.
5. Paragraph Q.1.(i) places restrictions on the building operations which can be undertaken. It states that development is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and partial demolition to the extent reasonably necessary to carry out building operations, as listed above.
6. The Planning Practice Guidance (the PPG) provides further clarification, including that 'it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use, such that it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right'. The PPG also states that 'internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q'.
7. Neither the GPDO nor the PPG defines 'reasonably necessary'. Consequently, it is a matter of planning judgement based on the fact and degree of an individual case. My attention has been drawn to the Hibbitt² caselaw, which considered whether the works required to bring about the change of use amounted to a re-build or 'fresh' build as opposed to a conversion. Notably, this case reinforces that it is a matter of planning judgement as to the level of works involved that would still constitute a conversion.
8. The agricultural building in question consists of a modern, 3 bay portal framed style structure, with concrete columns and timber/steel rafters and timber purlins/plan bracing. The building is open at either end. The side elevations have blockwork on the lower half, with timber boarding on the upper half. The roof is cement-board roofing. The building is predominantly open, with a small internal division at the north-western corner. The existing frame of the building is supported on pad foundations.
9. The submitted 'Structural Engineers Report'³ indicates that the existing structural form and the main load bearing elements of the building would be suitable for the proposed conversion. The existing pad foundations would not be altered. An insulated solid floor would be required to support the internal partitions and for building regulations in order to make the dwellings habitable. There would be no structural issues with the introduction of the new solid floor. The Council has not provided any compelling evidence to the contrary.

² Hibbitt and Another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council [2016] EWHC 2853 (Admin)

³ Prepared by E@M West Consulting Engineers, dated 27 September 2022.

10. Whilst the rooflights in the roof would be altered, the existing roof covering and structure would be retained, and below would be an insulated lining to improve the thermal performance of the building. An insulated timber frame cassette would be installed inside the existing structure and rainscreen. The open interior of the existing barn would also require subdivision to create the separate dwelling units and internal spaces within each dwelling.
11. It is unlikely that many existing agricultural buildings would be suitable for habitation as they stand without the introduction of insulation, dividing walls and heating to meet regulatory standards to make them suitable for human habitation. The existing barn is currently open at both ends so 2 new external walls with large, glazed panels would be installed in order for the building to function as a dwellinghouse. However, the installation of exterior walls falls under the scope of permitted development under Class Q. Furthermore, the elevational changes, including new doors and windows, would not go beyond those required for conversion, particularly given the extent of the original structure and rainscreen that would be retained. Additionally, the insulated timber frame would not amount to a 're-build' of the building.
12. Consequently, I am satisfied that, as a matter of planning judgement, the existing building would be capable of conversion and that the proposed building operations do not amount to a re-build, a 'fresh build', as they would not go beyond what could reasonably be considered to be a conversion. The works are considered as reasonably necessary for the building to function as a dwellinghouse, as outlined in criteria Q.1 (i)(i).
13. The Council has drawn my attention to another appeal decision in support of its case⁴. I have not been provided with the full details of this other decision. Consequently, I cannot draw any direct comparisons that would weigh in favour of or against the proposal. From the decision notice, it appears that this earlier proposal differs from the appeal proposal, as it involved the demolition of a 'large part' of the building whereas none of the building would be demolished under the proposal before me now. To my mind this only emphasises the need for the decision maker to exercise their individual planning judgement, based on the specific circumstances of the scheme before them.
14. Therefore, based on the evidence provided, I am satisfied that the proposal would constitute permitted development as set out under Schedule 2, Part 3, Class Q of the GPDO, having regard to the extent of the building operations proposed.

Other Matters

15. The conditions set out in paragraphs Q.2(1)(a) to (g) of Class Q relate to certain details of the proposed development, including transport and highways, noise, contamination, flooding, location or siting, design or external appearance, and the provision of adequate natural light in all habitable rooms. The Council raises no concerns in relation to the prior approval matters listed in paragraphs Q.2(1)(a) to (g). Given the above and based on the information before me and my observations on site, I have no reason to take a different view to the Council in respect of the above matters.

⁴ APP/Q3305/W/22/3299528

Conditions

16. The Council has not suggested any conditions. Any prior approval and planning permission granted for the development under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO is subject to the condition under Q.2 (3) which specifies that the development shall be completed within a period of 3 years starting with the prior approval date, as well as the provisions of paragraph W.
17. I have also listed the submitted plans in my decision and Paragraph W(12) of Schedule 2, Part 3 of the GPDO requires development to be carried out in accordance with the details submitted.

Conclusion

18. For the reasons given, I conclude that the appeal is allowed, and prior approval is granted.

Laura Cuthbert

INSPECTOR