

Application Number	2023/1884/FUL
Case Officer	Kelly Pritchard
Site	Emborough Farm Roemead Road Binegar Radstock Somerset
Date Validated	3 October 2023
Applicant/	P Blatchford
Organisation	
Application Type	Full Application
Proposal	Erection of a temporary rural workers dwelling and associated works.
Division	Mendip Hills Division
Parish	St Cuthbert Out Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

### **What Three Words: Stolen.festivity.snake**

### **Referral to Planning Committee:**

In accordance with the scheme of delegation, this application has been referred to the Chair and Vice-Chair of the Planning Committee following as the case officer recommendation is to refuse, and the Parish Council recommended approval. The Chairman has requested that the application be referred to the Committee for members to consider the extent to which the temporary dwelling and the range of activities to be undertaken on the Farm comply with the requirements of Policy DP13.

### **Description of Site, Proposal and Constraints:**

The application relates to Emborough Farm, Roemead Road, Binegar.

The site is located outside defined development limits and has an existing vehicular access to the highway, the B3135, which is opposite a small industrial estate.

The site is also with a Landscape Character Area, Bat Consultation Zone (Mells Valley Bats Special Area of Conservation) (Band C), Site of Special Scientific Interest Impact Risk Zone, there is a public right of way which runs east to west through the site. It is also located within the Somerset Levels and Moors Ramsar Risk Area.

The application seeks full planning permission for the erection of a temporary rural workers dwelling and associated works, in conjunction with an existing agricultural enterprise.

The dwelling will be a lodge which will provide 2 bedrooms and it will be delivered in two halves. The elevations will be clad in timber planks and the floor area will measure approximately 5m x 13.7m. It is proposed to the east of the existing Hay Barn. The submitted plans show the overall height to be 4m above ground level and 1m below ground level. The trailers being dug into the ground. A patio area and path will be formed next to the lodge to enable ease of access.

Prior to submitting this application, the applicant has not engaged in seeking pre-application advice for the proposal now under consideration.

#### **Relevant History:**

- 2022/2125/AGB - Application for prior notification of agricultural development for a proposed building - Agricultural barn. Prior Approval Not Required. 16.11.22
- 2022/2150/AGB - Application for prior notification of agricultural development for a proposed building - Agricultural barn. Prior Approval Not Required. 16.11.22
- 2024/0002/FUL - Change of use of agricultural land to a secure fenced dog exercise area. Pending consideration.
- 2024/0195/FUL - Erection of two goose houses and one field shelter for alpacas (retrospective). Pending consideration.

With regards to the two agricultural buildings which were approved under the prior approval process, as referred above, the use of these building is currently being investigated by the Planning Enforcement Team. With reference to the barn approved under LPA ref: 2022/2125/AGB the applicant has submitted an application for Building Control approval (ref: 2/FP/23/05267) as follows: *Proposed part conversion of barn to ground floor – residential. First floor - commercial kitchen and teaching room/classroom.*

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

Divisional Member: No comments received.

St Cuthbert Out Parish Council: Approval.

- The structure is in keeping.
- There is no impact on neighbours.
- Layout lends itself to the practical needs for managing livestock and providing security.
- Access to the site has recently been improved considerably, and entry onto the B3135 has good visibility.
- The storage space for machinery and equipment would reduce any disturbance.
- The applicant will reduce their car usage even further and the application furthers their opportunity to progress their business, and contribution to the rural economy.

Highways Development Officer: Objection.

- The visibility splays have been drawn incorrectly and there are concerns that the visibility splay to the south east will cross land that is not within the applicants or highways control.
- No detail for the level of parking has been provided, other than a rough location.
- The length of the access track warrants a passing space.
- The submitted documents make reference to retail, catering and educational uses at the site, no details of these uses have been provided and they have therefore not been considered.

Environmental Protection: No objections.

Ecology: No objection.

The application is supported by evidence pertaining to the Interim guidelines, specifically to the small-scale thresholds of likely significant effects in relation to Package Treatment Plants (PTPs). The interim guidelines state that small discharges from PTPs or Septic Tanks to ground (i.e. less than 2m<sup>3</sup> per day) within the Ramsar catchment will present a low risk of a significant effect where the location of the

drainage field and PTP meet the Proposed thresholds criteria a-h. SES are satisfied that the proposal will result in discharges of less than 2m<sup>3</sup> per day and that the proposed locations of the drainage field and PTP meet the Proposed thresholds criteria a- h.

The application proposes to install a Otto Graf one2clean PTP which has a phosphate discharge rate of 1.6mg/l.

Further to discussions with Natural England, it is therefore concluded that 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 alone and in combination under the Conservation of Habitats and Species Regulations 2017 (and as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) can be ruled out.

To ensure the provision of the above scheme for the disposal of foul drainage a foul drainage condition should be imposed if planning permission is granted.

Other ecological matters concerning protected species have been considered and subject to the conditions suggested SET has no objection.

#### Somerset Rights of Way: Objection.

- The applicant's plans including the location plan (300723-1) are not drawn to the set scale. The applicant has not shown the legal line of the footpath correctly. The current proposal will obstruct the footpath due to the proposed parking and fence line. The proposal either needs to be revised or a diversion order applied for.

Plans with amended scales were received 17.01.24 and the rights of way officer's summarised comments are as follows;

- The amended plans are still not to the set scales as indicated on the plan's scale bars.
- The distance from the proposed lodge to the hedge appears to be different on location plan 300723-7 compared with the proposed block plan 300723-2 (this is because the location for the lodge is different on both plans).
- The legal line of the footpath (WS 10/37) is not shown correctly.

- Using drawing 300723-7 the proposed lodge, the Hay Barn and parking and potentially the fencing, would obstruct the footpath.
- A public footpath diversion order will be required.

#### Local Representations:

One letter has been received which expresses concerns about highway safety as the access is onto a fast road opposite the Rookery Farm development.

Full details of all consultation responses can be found on the Council's website [www.somerset.gov.uk](http://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)
- CP3 (Supporting Business Development and Growth)
- CP4 (Sustaining Rural Communities)
- DP1 (Local Identity and Distinctiveness)
- DP4 (Mendip's Landscapes)
- DP5 (Biodiversity and Ecological Networks)
- DP6 (Bat Protection)

- DP7 (Design and Amenity of New Development)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)
- DP10 (Parking Standards)
- DP13 (Accommodation for Rural Workers)
- DP23 (Managing Flood Risk)

**Other possible Relevant Considerations (without limitation):**

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

**Assessment of relevant issues:**

**Principle of the Use:**

Core Policy 1 (CP1) of the Mendip District Local Plan Part 1 (LPP1) states that to enable the most sustainable pattern of growth for the district, the majority of development will be directed towards the five principal settlements (Frome, Shepton Mallet, Wells, Glastonbury and Street). In rural areas, new development is tailored to meet local need and is to be provided within Primary Villages, which are to accommodate most rural development and Secondary Villages, which may accommodate more localised housing, business and service needs. In villages and hamlets development may be permitted in line with policy CP4, to meet specifically identified local needs. Development in open countryside will be strictly controlled but may exceptionally be permitted in line with CP4.

The site is considered to lie in open countryside, where development is strictly controlled but may exceptionally be permitted in line with policy CP4.

Policy CP4 (Sustaining Rural Communities) states:

“Rural settlements and the wider rural area will be sustained by:

3. Making allowance for occupational dwellings in rural locations, where there is a proven and essential functional need, to support agricultural, forestry and other rural-based enterprises set out in Development Policy 13.”

Policy DP13 (Accommodation for Rural Workers) states:

“1. Proposals for permanent or temporary accommodation outside of defined Development Limits which are necessary to support agriculture, forestry or other rural enterprises will be supported where

a) it can be demonstrated that:

the dwelling and its proposed location are essential to support or sustain the functioning of the enterprise;

there is a need for permanent occupation which relates to a full-time worker or one who is primarily employed by the business;

all alternative accommodation options have been explored and no satisfactory alternative means of providing accommodation has been identified;

the size of the proposed dwelling is commensurate with the established functional requirement for the enterprise;

the design and siting of the proposal does not conflict with the intentions of Development

Policy 5, particularly in relation to Natura 2000 sites and Development Policy 4: Mendip’s Landscapes.

b) For new rural enterprises, in the first instance the Council will only grant permission for temporary accommodation for a 3 year period. Applications for temporary accommodation will be supported where:

the nature of the accommodation means it can easily be dismantled or removed;

clear evidence, through a business plan or other assessable proposal, shows a firm intention and ability to develop the enterprise on a sound financial basis.

Notwithstanding whether the application complies with DP13, 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. In addition, paragraph 188 of the NPPF states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on the ecological habitat of the site or further afield, unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of any area of identified of the habitats site.

An agricultural planning appraisal has been submitted to support the application.

Emborough Farm extends to 31.7h, and the land at the site lies close (within 1.5 miles) to the original block of land that the applicants still own (5.7ha) which has provided grazing for their sheep, cows and alpacas. The owned land is augmented with a further 0.8ha rented from a neighbour for peppercorn rent. The farm is in the process of being stocked with mixed livestock including pedigree Highland beef cattle, pedigree Ryeland and other sheep, pigs and poultry, and alpacas for companion walking.

Over the next three years the applicant intendeds to develop the holding into a functioning commercial farm producing livestock for sale of pedigree livestock and or onward slaughter and processing with the sale of meat and other produce direct to the public. They also wish to include catering to support education and community facilities, the manufacture of greeting cards, homemade trinkets, and the formation of a dog walking area.

As stated above two agricultural buildings have been consented on the site.

There is some reference within the submission to classrooms, education of school students, dog walking, farm catering facilities and the pursuit of retailing and catering activities. It is unclear to what extent they contribute to agriculture or whether they are truly ancillary to the agricultural use of the enterprise. The appraisal goes onto to say that



the applicant wishes to develop an educational facility and a classroom which may be erected in the barn. They wish to develop a syllabus for Key Stages 2 and 3 as farming and the countryside will be on the national curriculum from September 2025. They also wish to have on farm catering facilities and make home made cards and calendars to be sold.

The agricultural appraisal states that the current stocking levels include:

- 12 Highland cattle.
- 179 Sheep, mostly Ryeland/coloured Ryeland (with 48 ewes, 53 new lambs and various hoggets.
- 6 alpacas and
- Various chickens, 4 geese and ducks.

The plans for the holding are to establish 12 pedigree highland cows and a bull, a flock of 75 pedigree Ryeland ewes, a herd of 4 rare breed sows, 6 alpacas to be used as walking companions, possibly in special needs education settings or other therapy contexts, a small flock of poultry and providing a dog exercise facility.

The labour for this venture will be provided by Mr Philip Blatchford with his wife assisting. The plans see lambing occurring over a two month window with calving occurring every month to ensure a regular supply of beef; farrowing will be monthly.

The main justification for the residential accommodation of the site relates to the management and welfare of livestock, but also to prevent vandalism and theft.

DP13 sets out a number of specific requirements. This is in the context of CP4, which requires a proven and essential functional need. The requirements of DP13 are considered below.

That the dwelling and its proposed location are essential to support or sustain the functioning of the enterprise

### Need

The submitted appraisal expresses the view that there a number of components to this rural business model all of which require a key worker to live on site. It claims that whilst individually the parts may be considered too small to warrant the input of a full time worker, collectively they do have such a requirement.

The appraisal outlines a number of reasons why agricultural workers need to be on site in relation to calving, illness or injury to cattle with an emphasis on the wellbeing of breeding pedigree bovine to prevent deaths and due to the frequency of calving, birthing cows need to be supervised. This business is to be developed with 12 cows and heifers, with the proposed stock levels likely to calve every month. A similar argument is made with regards to lambing Ewes and sows when they are farrowing and the on going care when they are young. An instance where a lamb died on the site is cited, where it is claimed that this was a result of the applicant not being immediately on site. This event occurred even though the lambing was being watched via CCTV and the distance between the applicant's house and the lambing shed being 200m where it took only 5 mins to get to the site. The alpacas and free-range hens simply add to the mix of needs.

The report also states security on site as being an issue and they have had multiple break ins.

At the time of the visit to site there was no livestock present on site.

Based on the characteristics of the farm, it is stated that there is a labour requirement of one full time employee, based on an assessment of standard man days. However, this alone does not demonstrate an essential need for a rural worker to live at or in close proximity to their place of work to ensure the effective operation of the agricultural enterprise.

It is considered that there will be instances when livestock would require assistance during calving and 12 cows calving every month appears to be very frequent, whereas lambing only lasts a few months each year. Farmers know when their stock is due to give birth, although it is appreciated that some could be premature or late. This advance knowledge would mean that during times of more intense need alternative arrangements could be made.

It is considered that the case being made is based around a need for onsite presence as a result of the day to day running of the enterprise cumulatively as opposed to the requirements associated with a confirmed essential and/or functional need. For instance it is recognised that other livestock on site such as the alpacas, poultry etc will require clean water, bedding etc, however the relatively small numbers of livestock quoted in the appraisal and based on the scale and intensity of the enterprise, it is

considered that the enterprise would not require the presence of an agricultural worker on site at all times.

With regards to security on site, it is recognised that unforeseen events and crime can occur however, it is considered that on site presence is not the only means of secure stock and assets.

### Location

The relationship between the farm and the proposed temporary dwelling is not discussed in the agricultural appraisal. However, the proposed siting of the new dwelling if it complied with policy DP13 (which it doesn't) would be well related to the existing agricultural buildings in terms of functionality.

There is a need for permanent occupation which relates to a full-time worker or one who is primarily employed by the business.

It appears that there is a labour requirement for one full time worker to serve the enterprise, however as stated above this does not demonstrate an essential need for a rural worker to live at or in close proximity to their place of work to ensure the effective operation of the agricultural enterprise.

As set out above, in this instance it is not considered that an essential and or functional need to live on the site has been demonstrated.

All alternative accommodation options have been explored and no satisfactory alternative means of providing accommodation has been identified.

Agricultural workers can sometimes live close to the site, but not on it, in order to carry out the functional needs of the enterprise. Even if the LPA agreed with the applicants view on the need for a worker to be at or in close proximity to the site at all times, Policy DP13 1. a) iii) requires all alternative accommodation options to be explored.

The submitted appraisal states that there are no buildings on site that could be improved to meet the identified need and that they are not aware of any other dwellings available in the locality which are both suitable (in terms of sufficient proximity to the land and the livestock, size and cost) and available to meet the agricultural need.

The submitted appraisal references an historic incident with a fatality of a lamb at the site, stating the distance between the applicant's house and the lambing shed was 200m where it took only 5 mins to get to the site. Whilst this short distance was not beneficial in the incident cited, this type of outcome is likely to be infrequent and could have been a result of something other than distance and time to get to site. It is unclear whether the applicant has another home. It is understood that the applicant will be moving livestock from Binegar which is not far from the application site.

Other than the statement that there is nowhere else suitable to live, there is no clear evidence to show that the use of remote monitoring of the site in some form would not provide an acceptable alternative solution to living on site. In addition, no clear convincing evidence has been provided to demonstrate that the functional need could not be provided within an existing dwelling in the area.

In the absence of the analysis referred to above, it is considered that the requirement in policy DP13 1(a)(iii) is not met.

The size of the proposed dwelling is commensurate with the established functional requirement for the enterprise

This application is for a lodge which is temporary in nature and modest in size.

The design and siting of the proposal does not conflict with the intentions of Development Policy 5, particularly in relation to Natura 2000 sites and Development Policy 4: Mendip's Landscapes.

The site is located within the Somerset Levels and Moors SPA/Ramsar catchment area, which is a Natura 2000 site. Information has been submitted to try to demonstrate that any residual phosphorous discharge will be subject to on-site mitigation, as set out in the NNMAS. The proposal accords with the approach set out in the Interim guidelines on small scale thresholds and nutrient neutrality principles for the Somerset Levels and Moors Ramsar catchment (Somerset Council, May 2021). The ecology impacts from the development have been sufficiently considered.

It is therefore considered that subject to suitable ecology and drainage conditions the requirement in policy DP13 1(a)(v) is met.

The nature of the accommodation means it can easily be dismantled or removed;

The dwelling will be a lodge which will be delivered in two halves and will be on wheels/trailer. The elevations will be clad in timber planks and the floor area will measure approximately 5m x 13.7m. Although the trailers will be dug into the ground and a patio area and path will be formed next to the lodge to enable ease of access, it is considered the accommodation could easily be dismantled and removed.

Clear evidence, through a business plan or other assessable proposal, shows a firm intention and ability to develop the enterprise on a sound financial basis.

The appraisal states that the main source of income will be the breeding, rearing, for sale as either breeding stock or as meat, cattle, sheep and pigs. Eggs will be sold, along with geese and farm sales of gluten free catering, meat, charcuterie, fleece products, greetings cards and calendars, informal dog walking and education.

The long term plan for the cattle is to build up and maintain a herd of 12 pedigree Highland cattle breeding females with youngstock sold for breeding or finished from Year 3, onwards. The working assumption is that (by year 3) there will be 12 cattle available for sale each year. Budgets assume 2 cattle sold as breeding stock, 10 for beef each year.

The sheep will be similarly managed, being reared for private sale as shearlings (for breeding), sale as meat and the sale of fleece and fleece products direct from the farm. (The budget assumes 20 sheep will be sold as breeding stock, the remainder as hoggets).

Sales of sheep and alpaca wool/yarn will be sold alongside processed products.

Pigs will be managed with piglets sold either as weaners (20 per annum) or as port sold privately. Eggs, poultry and geese which are surplus to the catering will also be sold. Alongside the agricultural products informal dog walking will be offered along with educational facilities to support local schools.

The net farm profit for year one is in the minus figures (-6,875) rising to 966 in year two and to 31,181 in year three. It is evident that the figures are a reflection of the low levels of live stock and are likely to be reliant and heavily supported by other activities such as dog walking, catering, product making and selling that don't require the applicant to live on site. The investment in the land and existing buildings is likely to

have been substantial, not to mention the costs associated with the living accommodation proposed, buying machinery, maintaining it, vets bills etc.

Whilst the financial tests set out in policy are less stringent than it would be for a permanent dwelling, the figures shown in support of their business plan are not considered convincing and there is doubt over the ability to develop the enterprise on a sound financial basis.

In summary, para. 11d is not engaged as such permission should be granted unless there would be adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The assessment above of principle shows that the proposals do not accord with all the requirements of policies CP1, CP2, CP4 and DP13. These policies are in accordance with the NPPF because they direct development towards sustainable locations, avoiding the development of isolated homes in the countryside but make exceptions to this approach where there is an essential need for a rural worker to be accommodated.

Given that an essential and/or functional to live on site need has not been demonstrated, granting permission would result in the creation of a dwelling in an isolated location without justification. As need has not been demonstrated, there are no identifiable benefits in planning terms. Therefore, the proposed development would not be in accordance with CP1, CP2, CP4 or DP13 of the local plan. The adverse impacts of granting permission are considered to significantly and demonstrably outweigh any benefits.

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

Policy DP1 states that development should contribute positively to the maintenance and enhancement of local identity, and proposals should be formulated with an appreciation of the built and natural context.

Policy DP4 states that development that would individually or cumulatively significantly degrade the quality of the local landscape will not be supported.

Policy DP7 states that high quality design which results in useable, durable, adaptable, sustainable and attractive places will be supported.

Following the assessment above and the conclusion that the application scheme does not comply in principal with the requirements of Policy DP13, whilst the physical addition of another building in the open countryside will add to the built form on the holding given the overall scale, form and its temporary nature it is not considered that it would have a lasting and detrimental impact on the visual and landscape character of the locality.

### **Impact on Residential Amenity:**

There are no immediate neighbours to be impacted by this development in terms of amenity.

### **Impact on Ecology:**

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

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

The comments above from SES are noted and sufficient information has now been submitted to conclude that the proposal would not result in an unacceptable increase in phosphate levels within the foul water discharge affecting the current unfavourable status of the Somerset Levels and Moors Ramsar site. This conclusion is on the assumption of a suitably worded drainage condition as set out in SES's full comments.

Other ecological matters concerning protected species on site have been considered and can be protected and enhanced by way of conditions.

Therefore, the proposed development complies with Policies DP5, DP8 and DP13 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 vehicular access to the highway, the B3135, which is opposite a small industrial estate. Google maps indicated that there was an existing field gate to the highway, but when attending the site visit it looked as though the entrance and surfacing to it was a recent addition. This development was queried with the applicant. His response is as follows:

*“When we bought the land the entrance was terrible with a drop of almost 1 foot from the highway level, making it difficult to pull onto the road safely and visibility was appalling. Since purchasing the land we have significantly widened the entrance and dramatically improved the visibility splays.”*

This alteration which constitutes 'development as defined by the Act' does not appear to benefit from planning permission, and it is unclear exactly when these alterations to the field gate were undertaken, as such the access arrangements for this application are retrospective. The submitted design and access statement states that the existing arrangements for vehicular access provide adequate visibility splays especially as the residential accommodation will reduce existing vehicular movements made at several times of the day to attend site.

This is a fast stretch of road with the national speed limit, as such there should be no obstruction within a visibility splay above 600m. The distance of the visibility splay would be expected to be in excess of 200m in either direction unless a traffic survey suggested that speeds and traffic movements were less and therefore a lesser visibility may be accepted.

The visibility splay plan that has been submitted does not demonstrate the correct visibility splays in accordance with standing advice as referred above. Nor does it demonstrate whether it is achievable within the highway or land that the applicant owns. No traffic survey has been submitted to justify a reduction in the size of visibility splay. It is unclear what traffic will be generated from the site as the submission mentions agricultural use, residential use plus sales, teaching, dog walking, catering etc. which may result in a significant increase in the use of an access.



As such without further information about the intensification of the use of the access, suitable visibility splays befitting to the use and whether the splays can be achieved it is considered that the development has failed to adequately demonstrate safe access.

Insufficient detail has been provided to support the proposed access to serve the development in terms of the access arrangements, visibility splays, off-street parking, road layout, road construction, gradients, surface water drainage, and on site turning. The proposal is therefore contrary to the criteria set out under Policy DP9 of the Mendip District Local Plan.

### **Public Right of Way:**

It is unclear from the submitted drawings whether the two existing barns have been erected over the legal route of the footpath or whether the proposed mobile home will also obstruct it. This is due to the inaccuracies of the plans submitted and failing to show the actual proposed location for the building and other existing buildings as well as the surrounding field boundaries and other existing map features so that rights of way can match to their mapping to check the widths and distances involved. This application is recommended for refusal, but should this application be approved the issue is likely to be overcome by a suitably worded condition to secure a public footpath diversion order prior to works commencing and as such the application is not recommended for refusal for impacts on the rights of way.

### **Land Drainage:**

Surface water runoff from the temporary lodge will be discharged to the ground via a soakaway. A PTP is proposed for foul.

### **Refuse Collection:**

The site is considered capable of providing adequate storage space for refuse and recycling which could be controlled via conditions.

### **Environmental Impact Assessment:**

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

## **Equalities Act:**

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

## **Recommendation**

### Refusal

1. The proposals would result in an isolated dwelling in an unsustainable location where development is strictly controlled. The need for a rural worker dwelling has not been justified. The adverse impact of an isolated dwelling in an unsustainable location significantly and demonstrably outweighs any benefits, because a need has not been demonstrated, there are no identifiable benefits in planning terms. The proposals are therefore contrary to policies CP1, CP2, CP4, DP9 and DP13 of the Mendip District Local Plan Part 1 (Strategies and Policies) 2006-2029 (adopted 15th December 2014) and Chapter 2 and 5 of the NPPF.
2. Insufficient detail has been provided to satisfy the Local Planning Authority that the proposal provides safe access to the highway, and adequate parking and turning to serve the development proposed which are essential in the interests of highway safety. The proposal is therefore contrary to the criteria set out under Policy DP9 and DP10 of the Mendip District Local Plan 2006-2029, Part 1: Strategy and Policies (Adopted Dec 2014) which requires all proposed development to make safe and satisfactory provision for access by all means and thus avoid causing traffic problems for the wider transport network, and Chapter 9 of the NPPF.

## **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 drawings;  
270823-1 Existing Entrance Plan, 300723-1 Location Plan, 300723-3 Proposed Elevations, 300723-4 Proposed Floor Plan, 300723-5 Existing Block Plan, Visibility Splay Drawing, and Rural Workers Dwelling Appraisal dated July 2023 by Reading Agricultural Consultants, all received 03.10.23 and drawings 300823-7 Proposed Site Plan, 300723-7 Location Plan and 300723-2 Proposed Block Plan received 17.01.24.

Nutrient Neutrality and Mitigation Strategy received 03.10.23 and technical background papers supporting it received 25.01.24 and 31.01.24