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## Area East Committee

**Wednesday 10th March 2021**

**9.00 am**

**A virtual meeting via Zoom meeting software**

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The following members are requested to attend this meeting:

Robin Bastable  
Hayward Burt  
Tony Capozzoli  
Nick Colbert  
Sarah Dyke

Henry Hobhouse  
Charlie Hull  
Mike Lewis  
Kevin Messenger  
Paul Rowsell

Lucy Trimnell  
William Wallace  
Colin Winder

The planning application to consider this month will be considered no earlier than 9.00am.

Any members of the public wishing to address the virtual meeting during either Public Question Time or regarding a Planning Application, need to email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on Tuesday 9<sup>th</sup> March 2021.

This meeting will be viewable online by selecting the committee meeting at: [https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF\\_soA](https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA)

For further information on the items to be discussed, please contact: [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

This Agenda was issued on Monday 1 March 2021.

**Alex Parmley**, *Chief Executive Officer*

**This information is also available on our website [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk) and via the mod.gov app**

## **Information for the Public**

In light of the coronavirus pandemic (COVID-19), Area East Committee will meet virtually via video-conferencing to consider and determine reports. For more details on the regulations regarding remote / virtual meetings please refer to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 as part of the Coronavirus Act 2020.

## **Area East Committee**

Meetings of the Area East Committee are usually held monthly, at 9.00am, on the second Wednesday of the month (unless advised otherwise). However during the coronavirus pandemic these meetings will be held remotely via Zoom and the starting time may vary.

Agendas and minutes of meetings are published on the council's website at:  
<http://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for 'mod.gov' in the app store for your device, install, and select 'South Somerset' from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

## **Public participation at meetings (held via Zoom)**

### **Public question time**

We recognise that these are challenging times but we still value the public's contribution to our virtual meetings.

If you would like to address the virtual meeting during Public Question Time or regarding a Planning Application, please email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on Tuesday 9<sup>th</sup> March 2021. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

The period allowed for participation in Public Question Time shall not exceed 15 minutes except with the consent of the Chairman and members of the Committee. Each individual speaker shall be restricted to a total of three minutes.

This meeting will be streamed online via YouTube at:  
[https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF\\_soA](https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA)

### **Virtual meeting etiquette:**

- Consider joining the meeting early to ensure your technology is working correctly.
- Please note that we will mute all public attendees to minimise background noise. If you have registered to speak during the virtual meeting, the Chairman or Administrator will ask you to un-mute your microphone at the appropriate time. We also respectfully request that you turn off video cameras until asked to speak.
- Each individual speaker shall be restricted to a total of three minutes.
- When speaking, keep your points clear and concise.
- Please speak clearly – the Councillors are interested in your comments.

## **Planning applications**

*It is important that you register your request to speak at the virtual meeting by emailing [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am Tuesday 9<sup>th</sup> March 2021. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.*

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered.

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to three minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant and/or Agent
- District Council Ward Member

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

## **Recording and photography at council meetings**

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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# **Area East Committee**

## **Wednesday 10 March 2021**

### **Agenda**

#### *Preliminary Items*

#### **1. Minutes of Previous Meeting**

To approve as a correct record the minutes of the previous meeting held on 9 December 2020.

#### **2. Apologies for absence**

#### **3. Declarations of Interest**

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

#### **Planning Applications Referred to the Regulation Committee**

The following members of this Committee are also members of the Council's Regulation Committee:

Councillors Henry Hobhouse, Paul Rowsell and William Wallace.

Where planning applications are referred by this Committee to the Regulation Committee for determination, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

#### **4. Date of Next Meeting**

Members are asked to note that the next scheduled meeting of the committee will be held virtually using Zoom virtual software on Wednesday 7<sup>th</sup> April 2021 at 9.00am.

#### **5. Public Question Time**

#### **6. Chairman Announcements**

Purchase of Infrared camera.

## **7. Reports from Members**

### *Items for Discussion*

- 8. Wincanton Sports Ground Update** (Pages 7 - 11)
- 9. Area East Committee Forward Plan** (Pages 12 - 13)
- 10. Planning Appeals** (Pages 14 - 36)
- 11. Schedule of Planning Applications to be Determined by Committee** (Page 37)
- 12. Planning Application 20/01667/FUL - Land At Lemons Ground, Whitechurch Lane, Yenston** (Pages 38 - 45)

**Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.**

**This does not apply to decisions taken on planning applications.**



## Wincanton Sports Ground

Service Manager: Tim Cook, Locality Team Manager  
Lead Officers: Stephen Barnes, Locality Team Leader  
Contact Details: Stephen.barnes@southsomerset.gov.uk

## Purpose of the Report

The purpose of the report is to update members on the current support and financing of the Wincanton Sports Ground (WSG).

## Public Interest

The Wincanton Sport Ground provides an important leisure and recreation facility to Wincanton and its surrounding hinterland.

## Recommendations

1. Members note the report.

## Report

At the Area East Committee on 14<sup>th</sup> October 2020, under agenda item 9 - Area East Forward Plan, Cllr Nick Colbert asked if there could be a report brought forward for Wincanton Sports Ground regarding the financing and support.

Contact was made with the Chair of the Wincanton Recreation Trust (WRT) who has provided an update on the current operation and status of the WSG.

WSG is owned by the Wincanton Recreational Trust (Charity No: 1174519), which operates the facilities on a day-to-day basis by volunteers operating under the structure of a Management Committee. For background information, in Appendix One are details provided by the WRT Chairman, of the sports clubs that use the site, a summary of the WRT short, medium and long term aspirations and a brief SWOT analysis of the WSG.

Between 2005 and 1st November 2020, the day-to-day operations were managed on behalf of the WRT by the Wincanton Sports Ground Management Company (WSGMC) (Company No. 05406944). However, the Wincanton Recreation Trust has now taken back day to day operation of the site, as it considered it to be in the best interest of the sports ground.

Due to the recent change in operation of the WSG, the finances are in a transitional period and therefore need to be considered in this context.

Table 1.0 below provides a summary of the financial activities for the Wincanton Recreation Trust for 2018 & 2019. The figures have been sourced from the Charity Commission web site and are the most up to date accounts available. Due to the recent changes in the operation of the WSG these accounts lack detail on the finances of the site and this is acknowledged by the WRT chairman.

#### Summary of Financial Activities for Wincanton Recreation Trust 2018 & 2019

	Year ended 30 September 2019	Year ended 30 September 2018
Total Income	£304	£587
Total Expenditure	£37,668	£45,185
Fund balances	£1,189,532	£1,226,896

Table: 1.0

The 2019 Balance Sheet for the WSGMC is set out in Table 2.0 and was sourced from the accounts submitted to Companies House. According to the WRT chairman the operating turnover of the WSGMC last year was in the region of £100,000, although details were not available when writing this report.

Furthermore, the WRT Chairman informs us that without external financial support the facility would potentially have a deficit of around £13,000 per annum. According to the Wincanton Town Council Annual Report 2020, in 2019/20 they awarded £15,000 to the WSG.

#### Wincanton Sports Ground Management Company Balance Sheet as at 30 April 2019

	2019	2018
Fixed Assets	£4,916	£6,271
Current Assets	£8,242	£18,423
Prepayments and accrued income	£13,731	£3,174
Creditors	(£15,564)	(£4,285)
Net current Assets	£6,409	£17,312
Total assets less current liabilities	£11,325	£23,583
Accruals and deferred income	(£1,686)	(£16,020)
Capital and reserves	£9,639	£9,639

Table: 2.0

Due to the recent transition of the WSG operation and finances, it is difficult to provide a clear picture of its financial position. However, according to the WRT Chairman the continued support from external funders is currently still necessary to avoid the WRT operating at a loss.





## **Financial Implications**

None

## **Council Plan Implications**

### **Healthy, Self-reliant Communities**

To enable healthy communities which are cohesive, sustainable and enjoy a high quality of life we will: Enable quality cultural, leisure and sport activities.

### **Environment**

To keep South Somerset clean, green and attractive and respond to the climate emergency we will work in partnership to: Adopt and commence delivery of an Open Spaces strategy. Maintaining and improving the provision of quality open spaces and parks for people and wildlife.

## **Carbon Emissions & Adapting to Climate Change implications**

Providing local access to a sporting and leisure facilities reduces the need to travel long distances, therefore reduces carbon emissions.

## **Equality & Diversity Implications**

The Wincanton Sports Ground provides leisure opportunities to a wide variety of age groups and overall is a community resource for all.

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## **Appendix One**

### **The facility supports many sports clubs and sports users:**

- The senior football club – circa 40 members
- The tennis club – circa 100 members
- The rugby club – circa 20 members
- External football users – 3 to 4 users per week hire the astro pitch.
- Casual runners and walkers
- Casual fitness groups
- The Trust rents out land to the Town Council for use as allotments

### **The Trust has several aspirations, as follows:**

#### ***Short-term***

- to enhance the transition to volunteer only operations by recruiting volunteers.
- ensure that the facility's finances support its continued operation, including by setting up a sinking fund to cover planned preventative maintenance and facility enhancement.
- enhance income from casual users – where possible – such as implementation of an honesty-based system for dog walkers
- attempt crowd funding to fill gaps caused by lack of donations and grant income if necessary

#### ***Medium-term***

- consider rationalisation of outdoor areas to minimise maintenance obligations, and identify income opportunities (one-off and/or regular)
- assist user groups to attract grant funding for improvements, e.g. mains electricity to football floodlights to avoid use of a diesel powered generator
- revamp the Pavilion to enhance visitor attractiveness and lower operating costs

#### ***Long-term***

- secure funding for enhanced astro turf facilities
- derive sufficient non-user income to enable user groups to pay less than currently
- derive sufficient income to enable staff to be employed to undertake maintenance and admin functions

### **SWOT analysis**

#### **Strengths**

- location close to a market town with limited other facilities
- several regular user groups
- perceived to be an asset to the town

#### **Weaknesses**

- reliant upon volunteers to operate
- high operational and maintenance costs for Pavilion
- Pavilion too large for requirements
- Complex heating/hot water system, now aged
- Large land holding requiring maintenance
- Location on the edge of the District and County perceived to limit grant funding from local authorities

#### Opportunities

- Local need for 3G pitch – ideal location
- Opportunity to use surplus land for other revenue raising ventures by sale or rent

#### Threats

- Failure to raise income to cover costs will result in closure



## Area East Forward Plan

Director: Nicola Hix, Strategy and Support Services  
Agenda Coordinator: Michelle Mainwaring, Case Officer (Strategy & Commissioning)  
Contact Details: Michelle.mainwaring@southsomerset.gov.uk

## Purpose of the Report

This report informs Members of the agreed Area East Forward Plan.

## Recommendations

Members are asked to note and comment upon the proposed Area East Forward Plan as attached, and to identify priorities for any further reports

## Area East Committee Forward Plan

The forward plan sets out items and issues to be discussed over the coming few months. It is reviewed and updated each month, and included within the Area Committee agenda, where members of the Area Committee may endorse or request amendments. Members of the public, councillors, service managers, and partners may also request an item be placed within the forward plan for a future meeting, by contacting the agenda co-ordinator.

Items marked *in italics* are not yet confirmed, due to the attendance of additional representatives.

To make the best use of the Area Committee, the focus for topics should be on issues where local involvement and influence may be beneficial, and where local priorities and issues raised by the community are linked to SSDC corporate aims and objectives.

Further details on these items, or to suggest / request an agenda item for the Area East Committee, please contact one of the officer's names above.

## Background Papers

None.

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## Area East Committee Forward Plan

Items marked *in italics* are not yet confirmed, due to the attendance of additional representatives.

Further details on these items, or to suggest / request an agenda item for the Area East Committee, please contact the agenda coordinator at [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Lead Officer</b>
7 <sup>th</sup> April 2021	Scrutiny presentation	Stephanie Gold, Specialist Scrutiny/Member development
19 <sup>th</sup> May 2021	2021/22 Area Chapter delivery plan	Tim Cook – Locality team Manager



## Planning Appeals

Director: Kirsty Larkins (Service Delivery)  
Lead Officer: Barry James, Interim Planning Lead Specialist  
Contact Details: Barry.James@southsomerset.gov.uk

## Purpose of the Report

To inform members of the appeals that have been lodged, decided upon or withdrawn.

## Recommendations

That the report be noted.

## Background

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

## Report Detail

### Appeals Received

19/01557/FUL - Land Adjacent to Brook House Brook Street Milborne Port Sherborne Dorset. The erection of two dwellings, repositioning existing access gates and closure of existing access. Appeal Officer – Peter Thomas.

19/03416/OUT - Land At Manor Farm Combe Hill Templecombe Somerset.  
Outline application for the demolition of existing buildings and residential development of 60 units including the creation of a new vehicular access and pedestrian accesses, open space, landscape planting and surface water attenuation (all matters reserved except access).  
Appeal Officer – David Kenyon.

19/01840/OUT - Land North Of Ansford Hill Ansford Castle Cary Somerset BA7 7PD.  
Erection of 200 dwellings (70 affordable and 130 open market) with associated highways, drainage, landscaping and public open space.

### Appeals Allowed

20/01014/S73 - Riverside Stables Hornblotton Green Road Lovington Castle Cary Somerset BA7 7PS. Section 73 application for the removal of condition 2 (agricultural tie) of permission 882203.

### Appeals Dismissed

19/02947/FUL - Symphony Farm Quarr Gillingham Dorset SP8 5PB.  
The demolition of existing stables and barns and the erection of 5 No. detached dwellings.

18/02664/FUL - 37 High Street Castle Cary Somerset BA7 7AS. Change of use of ground floor from bank to restaurant (Use Class A3 food and drink) to include internal and external alterations (Revised application).



## **South Somerset District Council**

18/02859/OUT - Land OS 0059 Station Road Milborne Port Sherborne Dorset.  
Outline application for residential development for up to 30 dwellings including access and highway works (Revised application).

18/02409/OUT - Land OS 0059 Station Road Milborne Port Sherborne Dorset.  
Outline application for residential development for up to 10 dwellings including access and highway works (Revised application).

### **Background Papers**

Decision Notices attached.

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## Appeal Decision

Site visit made on 19 November 2020

by **S Shapland BSc (Hons) MSc CMILT MCIHT**

an Inspector appointed by the Secretary of State

Decision date: 17 December 2020

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### Appeal Ref: **APP/R3325/W/20/3255645**

### **Riverside Stables, Lovington, Castle Cary BA7 7PS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr and Mrs D and S Bennett against the decision of South Somerset District Council.
  - The application Ref 20/01014/S73, dated 9 March 2020, was refused by notice dated 26 May 2020.
  - The application sought planning permission for "the continued use of bungalow without compliance with condition 4 of Decision notice 82773 dated 13.5.69 (Agricultural Occupancy Condition) without complying with a condition attached to planning permission Ref 30/88/2203, dated 14 September 1988".
  - The condition in dispute is No 2 which states that: *The occupation of the dwelling shall be limited to persons employed or last employed full time locally in agriculture as defined in Section 290 of the Town and Country Planning Act 1971 or in forestry or the keeping of horses for livery (including any dependants of such a person residing with him/her or a widow or widower of such a person).*
  - The reason given for the condition is: *The site is within an area where general residential development is not normally permitted and the District Planning Authority wish to ensure that the dwelling remains associated to the needs of agriculture.*
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### Decision

1. The appeal is allowed and planning permission is granted for continued use of bungalow without compliance with condition 4 of Decision notice 82773 dated 13.5.69 (Agricultural Occupancy Condition) at Riverside Stables, Lovington, Castle Cary BA7 7PS, in accordance with the application Ref 20/01014/S73 dated 9 March 2020, without compliance with condition number 2 previously imposed on planning permission Ref 30/88/2203 dated 14 September 1988.

### Main Issues

2. The main issue is whether the condition restricting the occupancy of the dwelling to agricultural, forestry or the keeping of horses for livery is necessary, reasonable and enforceable having regard to local and national planning policies which seek to restrict housing development in the countryside.

### Reasons

3. The appeal site comprises a single storey detached dwelling, and includes a stable block with 6 stalls and large riding area. The appeal site is located approximately 1.1 miles north of the village of Lovington. The appeal site is a



rural location and outside of any settlement boundary, and thus is considered to be located within the open countryside.

4. Policy HG10 of the South Somerset Local Plan adopted March 2015 (LP) pertains to the removal of agricultural and other occupancy conditions. It states that planning permission for the removal of a restricted occupancy condition for an agricultural, forestry or other similar worker on a dwelling will only be given when several criterion are met. This includes evidence that there is no longer a continued need for the property on the holding or for the business, there is no long term need for a dwelling with restricted occupancy to serve local need in the locality and that the property has been marketed locally of an appropriate period (minimum 18 months) at an appropriate price and evidence of marketing is demonstrated.
5. I have been presented with no evidence that this marketing has taken place, and thus the proposal conflicts with policy HG10 of the LP. Removal of this condition would result in an unrestricted dwelling in the countryside. As such, I consider that the condition is both necessary and reasonable.
6. However, a certificate of lawfulness<sup>1</sup> has recently been approved in relation to the appeal site for the occupation of the dwelling without complying with Condition No 2. This follows a continuous breach of the occupancy restrictions by the appellants over a period of at least 10 years. This certificate and the benefits against enforcement action it provides would be transferable to any subsequent occupiers.
7. Consequently, the appeal property could be occupied in breach of this condition by any non-qualifying persons in perpetuity. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. In this instance the presence of the certificate of lawfulness is a material consideration which I give significant weight to.
8. I have carefully considered the contention made by the Council that they would be able to take enforcement action following any break in occupation, or that the occupation of the dwelling by a qualifying person would have the effect of breaking the continuity of the breach. The appellants have indicated that should the appeal site revert back to not having the benefit of the certificate of lawfulness, this would have the effect of significantly reducing the open market value of the property. Any qualifying person would be presented with an immediate impact on capital value. Given the potential risk to both the seller and a qualifying person means, in my view, that such a scenario is unlikely to happen.
9. The Council have drawn my attention to an appeal decision in Mid Devon<sup>2</sup> in which the inspector dismissed an appeal to remove an agricultural tie condition. In that instance there was a Certificate of lawful use, and whilst the inspector gave this weight, they did not conclude that the material considerations outweighed the harm to the development plan. I have not been presented with the full details of that case, nor the evidence which was in front of the inspector at the time the decision was made. In any event, that appeal site was in a different planning authority with different development plan

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<sup>1</sup> LPA reference 19/03214/COL

<sup>2</sup> APP/Y1138/W/19/3229011

policies. I therefore consider that a direct parallel cannot be drawn between the two appeals. In any event, I have considered this appeal on its own merits.

**Conclusions**

10. For the reasons given above, I conclude the appeal should be allowed and Condition no.2 of the original planning permission is removed.

*S Shapland*

INSPECTOR



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## Appeal Decision

Virtual Hearing Held on 20 October 2020

Site visit made on 21 October 2020

**by M Allen BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 December 2020

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**Appeal Ref: APP/R3325/W/20/3251314**

**Symphony Farm, Tinkers Lane, Quarr, South Somerset SP8 5PB**

- 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 Sam Griffiths against the decision of South Somerset District Council.
  - The application Ref 19/02947/FUL, dated 9 October 2019, was refused by notice dated 3 March 2020.
  - The development proposed is to demolish existing stables & barns & construct 5no. detached houses.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Following some discussion at the hearing, the Highway Authority reviewed the submitted details and was satisfied that concerns previously raised in respect of highway matters had been addressed. I have no reason to consider differently and, on this basis, these matters do not form part of the main issues I identify below.
3. At the time of the hearing the Council was unable to demonstrate a five-year supply of deliverable housing sites. Following the close of the hearing, the Council has indicated that this position has changed and that it is now able to demonstrate a five-year supply. The appellant has been provided with the opportunity to comment on this and as such I am satisfied that there would be no prejudice in me determining this appeal on the basis of the current position.

### Main Issues

4. In light of the above, the main issues are:
  - i) whether the location is suitable for the proposed development, having regard to local and national policies for the location of housing, and
  - ii) the effect on the character and appearance of the area.

## Reasons

### *Suitability of location*

5. The site lies approximately 2.5 kilometres (km) from the settlement of Gillingham and in excess of 1km from Cucklington. It lies to the north of a group of dwellings, known as Quarr. Policy SD1 of the South Somerset Local Plan – 2015 (the Local Plan) sets out the Council’s approach to sustainable development. Policy SS1 of the Local Plan establishes a hierarchy of settlements, which are targeted for future growth, within which the appeal site does not lie. Outside of these stated settlements, others will be considered to be rural settlements lying in the countryside.
6. Policy SS2 of the Local Plan strictly controls development in rural settlements and limits it to that which provides employment opportunities, creates or enhances community facilities and services to serve the settlement and which meets identified housing need, particularly affordable housing. There is no substantive evidence before me to show that the proposal would meet any of these criteria and consequently, the proposal fails to accord with these abovementioned policies.
7. The site would be remote from day-to-day services. The nearest settlement providing any services is Cucklington, with a church located approximately 1.7km from the appeal site, and a village hall. No other facilities are provided for within this settlement. Other services would be provided within Gillingham which is 2.5km, as the crow flies, from the appeal site. The Council states that in order to access services within this settlement on foot would require a walk of approximately 4.5-4.7km. To my mind, this is not a reasonable distance for occupants to walk in order to access services. I acknowledge that the appellant asserts that it is within a reasonable cycling distance and that the site is close to a cycle network. However, I observed the local roads to be unattractive to both pedestrians and cyclists. Roads were narrow with numerous bends to negotiate, there were little or no opportunities for pedestrians to take refuge from passing traffic, which often appeared to be travelling at speed, and there was no visible streetlighting present.
8. Thus, either walking or cycling to access services would be an unappealing option for residents, particularly in inclement weather. There is no evidence of a regular bus service near to the site, but the appellant highlights the existence of a “Ring & Ride” service. Even so, there is nothing to suggest that this would be a convenient or suitable way of regularly accessing services.
9. I am also conscious that residents within rural areas are typically more reliant on the use of a car to access services, however this serves to reinforce the rationale of locating new residential development where there is good access to existing services, as set out in the above policies. Consequently, I find that occupants would be heavily reliant on the use of the private car to access services. That residents may combine and better plan journeys, does not compensate for this.
10. Accordingly, I find that the location is not suitable for the proposed development, and the scheme would conflict with policies SD1, SS1 And SS2 of the Local Plan. Together, and amongst other things, these policies seek to ensure development adheres to the principles of sustainable development, that

the location of new development reflects these principles and that development in the countryside is prevented unless sustainability criteria can be met.

11. There is mention of the proposal not resulting in isolated dwellings. I agree that the location would not be isolated within the context of paragraph 79 of the National Planning Policy Framework (the Framework). However, that the dwellings would not be isolated in this regard does not outweigh the harm that I have identified.

#### *Character and appearance*

12. The appeal site comprises a complex of a number of large agricultural-style buildings, which are used for equestrian purposes. It lies adjacent to a minor country lane and is enclosed along this road by hedging. The surrounding area has a distinctly rural character comprised of hedge lined roads, surrounded by fields. Within the immediate vicinity of the site, development is sporadic and, while there is a cluster of properties to the south, these have little visual relationship with the appeal site.
13. The proposed scheme would result in the demolition of the existing buildings and their replacement with five dwellings. The new buildings would be positioned across the site, in a somewhat loose arrangement, around a centrally located estate road. In this respect, the development would be more reminiscent of a small, sub-urban housing development than of the loosely arranged, sporadic dwellings that are present within the surrounding area. It would thus appear at odds with the surrounding rural landscape and the development present within it. Its discordance would be further emphasised by the differing heights and shapes of the proposed dwellings.
14. I note that there would be a significant reduction in built form across the appeal site, however the existing buildings despite their scale are not uncommon features within a rural landscape i.e. buildings that are agricultural in appearance. The proposal would introduce a development with a distinctly different character, which would diminish the attractive rural aspect.
15. Accordingly, I find that the proposal would have a harmful effect on the character and appearance of the area. Thus, it would conflict with policy EQ2 of the Local Plan, insofar as it seeks to ensure development achieves a high-quality design that preserves the character and appearance of the district. The scheme would also conflict with the design aims of the Framework.

#### **Other Matters**

16. Since the close of the hearing, the Council has updated its Housing Land Supply position and advises that it is now able to demonstrate in excess of a 5 years supply of deliverable housing sites. I acknowledge that the appellant, when commenting on this change, contends that the revised calculations have been produced for the Local Plan review, which has "neither been examined or adopted". However, I am conscious that the calculations would have been undertaken as part of an annual review of the housing land supply position and as such I have no substantive reason to doubt the veracity of the information now provided. Accordingly, the provisions of paragraph 11(d) of the Framework are not engaged and substantial weight must be afforded to the conflict with policy that I identify above.

17. The existing equestrian use at the site has the potential to result in a not insignificant number of traffic movements throughout the day, albeit that I observed few vehicle movements at the time of my site visit. The number of such movements would be lessened by the proposed development. However, while no adverse effects have been evidenced from the current movements, I accept that reduced vehicular movements along a narrow lane at this rural location would result in some benefit, although I accord this only limited weight. The scheme would also utilise previously developed land, however given the location away from a settlement and the conflict with the locational policies that I refer to above, this matter also carries limited weight.
18. The possibility of a conversion of the existing buildings to residential use, under Part Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 has been raised as potentially comprising a fall-back position. However, this possibility would only arise should the buildings be used for agricultural purposes. It appeared to me that there was an equestrian use of the buildings within the appeal site and this is confirmed by the appellants statement of case, which clearly states that the farm has an equestrian use, involving the re-use of agricultural sheds. On this basis, there is substantial doubt in my mind as to whether a conversion under Part Q would be possible. Therefore, this matter and the contended benefits of the appeal scheme over a conversion scheme, have little bearing on my consideration of the appeal.
19. The appellant highlights a number of other developments nearby in support of the acceptability of the appeal proposal. A site in proximity to the appeal site has been cited, where a new dwelling has been given permission. Whilst contended to not be relevant by the appellant, there had previously been prior approval given under Part Q for the conversion of existing buildings to a residential use. This would no doubt have comprised a fall-back position and material consideration in the consideration of that scheme. Thus, the circumstances of that case are notably different from the scheme that is before me. My attention is also drawn to a development that was granted planning permission at nearby Motcombe, for six dwellings. From the details that have been provided it is clear that this site was located adjoining an existing settlement, where there were facilities available a short walk away, including a primary school. This scheme was also determined at a time where the Council determining the application, which is not the same Council as in the scheme before me, could not demonstrate a five-years supply of deliverable housing sites. These factors clearly set that scheme apart from the appeal scheme. Thus, neither of the cited examples persuade me that this scheme is acceptable.
20. The Framework supports housing where it will enhance or maintain the vitality of rural communities by supporting local services. In the absence of local services within proximity to the site and limited services in nearby locations, I find little evidence that the scheme would accord with this objective of the Framework.
21. I am cognisant that the appellant asserts that the scheme would facilitate residents working from home, which would reduce the need to travel, as well as that following the current pandemic, many people will seek to continue to work from home. In addition, there may be a desire by individuals to live in the countryside. These matters are noted; however, they carry little weight given the conflict with the locational strategy of the Local Plan that I have identified.

22. As part of the scheme, the provision of electric cars which would be charged from a solar-powered garage, for the use of occupiers, has been proposed. At the hearing I enquired as to whether a planning obligation was to be offered securing this as a benefit of the scheme. However, it was stated that this element would be secured by private covenant, included in the sale of the properties. While this is noted, I am conscious that there would be no mechanism as part of the planning process to ensure that the provision of the electric cars would be secured, despite cited tax benefits. There is also nothing to ensure that, even if provided, the electric cars would be utilised by residents. As such, this matter carries little weight in favour of the appeal scheme. I am also conscious of the environmental sustainability measures proposed within the construction of the proposed dwellings. However, given the harm to character and appearance I find above, this also attracts little weight.

### **Conclusion**

23. I acknowledge there would be some benefit arising from the scheme as I set out above, while on the other hand there would be environmental harm arising from locating development in a location with such poor access to day-to-day services, together with the harm to the character and appearance of the area. With all matters in mind, any benefits are not sufficient to outweigh the harm and consequential conflict with policy that I have identified.

24. Accordingly, for the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

*Martin Allen*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Ivan Maughan

Agent, Maughan Architecture

Phil Caseley

Managing Director, JPC Highway  
Consultants

Sam Griffiths

Appellant

### FOR THE COUNCIL:

Colin Begeman

Principal Planner, South Somerset  
District Council

Adam Garland

Principal Planning Liaison Officer,  
Somerset County Council

## **DOCUMENTS**

1. Highway Authority Position Statement





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## Appeal Decision

Site visit made on 4 January 2021

by **Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 13 January 2021

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### Appeal Ref: APP/R3325/W/20/3259965

### 37 High Street, Castle Cary BA7 7AW

- 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 and Mrs Tim and Jordan Oliver against the decision of South Somerset District Council.
  - The application Ref 18/02664/FUL, dated 21 July 2018, was refused by notice dated 25 March 2020.
  - The development proposed is described as change of use of ground floor to planning use class A3: food and drink, to include minor alterations.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. A related application for listed building consent (the LBC) covering the physical works outlined within the planning permission, has already been approved by the Council. I have taken this into account in my reasons below.

### Main Issues

3. The main issues are the effects of the development on:
  - the living conditions of the occupant of Bank Flat, with regard to noise and disturbance; and
  - a Grade II listed building.

### Reasons

#### *Living conditions*

4. The building in question consists of a combination of single storey and 2-storey elements, with some rooms also in the attic space. The ground floor currently serves a commercial use, and the first floor and attic space, a residential use as Bank Flat
5. The ground floor is currently occupied by a gallery, but for more than 100 years prior to this, was in use by a bank. The proposed use as a restaurant would thus entail an appreciable change in the character of use, both in current and historic terms. This change would necessarily include the potential for and type of noise likely to be generated, including its duration and timing.

6. In this regard, as proposed, the use would operate between 09:00 and 23:00 Tuesday to Friday, extending to 23:30 on Saturday, with more limited opening on Sunday. Whilst modest limitations on afternoon and Saturday evening opening have been considered, even if imposed, the use would operate well in excess of the hours and days typically associated with the current and historic uses.
7. The main dining areas of the restaurant would be located immediately below the living and drawing rooms of the flat above. These provide a substantial part of the flat's main living space. The flat's main bedroom would be located above a room within which a pizza oven is shown, and within which dining could also presumably take place. For these and the above reasons, the potential therefore clearly exists for changes in the character and nature of noise generation to disturb the occupant of the Bank Flat above.
8. With regard to the rating of sound insulation, the performance of the existing building fabric would meet or exceed the minimum standards applicable within the Building Regulations. This is an important consideration. However, within the broader and separate context of planning, it does not exhaust all reasonable consideration of the potential for changes in the acoustic environment to affect living conditions.
9. Evidence which seeks to comparatively model and to quantify the extent of likely changes in the acoustic environment, and the impact that this could have upon residential use of the Bank Flat, has not however been provided. In the absence of such evidence I cannot be satisfied that the performance provided by the existing building fabric would be sufficient to avoid any potentially adverse effects on the established residential use of Bank Flat.
10. Though the potential for mitigation has been addressed by both parties, in this case conditions could not be properly used to secure improvements in sound insulation. This is because there is insufficient evidence available upon which to base or justify such a requirement. The fact that the building is listed also means that no such condition could be implemented without the requisite listed building consent.
11. The site is located near to the centre of the town, in a location containing small businesses, including shops and a small café and restaurant in the building next door. Whilst the location is clearly not tranquil, the level of normal background noise is again unclear. So too is the bearing that this would have upon perceived changes in the acoustic environment associated with the proposed change of use. Indeed, the simple fact of the site's location cannot be held to render the development acceptable in the absence of any clear understanding of its specific impacts.
12. Differences of opinion are apparent within the specialist advice provided to the Council's case officer, partly reflecting changes in personnel which the application was determined. A change in recommendation also occurred. Be that as it may, the Council was entitled to reach the decision it did. Furthermore, I share the Council's concern.
13. For the reasons outlined above I conclude that the appellant has failed to demonstrate that the effect of the development on the living conditions of the occupant of Bank Flat would be acceptable. Consequently, I cannot conclude that the development would comply with Policy EQ2 of the Local Plan, which

requires development proposals to protect the residential amenity of neighbouring properties, or Policy EQ7 of the Local Plan, which seeks to restrict development that would have potential adverse effects, including with regard to noise.

*Listed building*

14. The building, is, as a whole, listed at Grade II, and continues to appear within the statutory list as the National Westminster Bank. It is thus a requirement for me 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. Paragraph 193 of the National Planning Policy Framework (the Framework) also states that great weight should be given to the conservation of designated heritage assets.
15. Insofar as it is relevant to this appeal, the special interest and significance of the listed building resides particularly in its formal design and prominent presence within the street scene, which each relate to its past function as a bank. The interior was not inspected when the building was listed, but this contains a variety of features, including some apparently historic plasterwork and fireplaces.
16. The appeal scheme does not outline any works to the building in excess of those for which consent has already been granted within the related LBC. In view of my findings in relation to living conditions above however, I cannot be satisfied that these represent the sum total of the works required in order to enable the proposed change of use to take place. Whilst the Council has speculated that such works might involve modification of the historic ceilings, both the works themselves, and their potential impacts, are, in effect, therefore unknown. In the absence of necessary evidence, I am thus unable to conclude that the proposed change of use would preserve the special interest of the listed building, or conserve its significance. Moreover, in the absence of an understanding of potential harm, the balancing exercises set out in paragraphs 195 and 196 of the Framework cannot be properly applied.
17. For the reasons outlined above I conclude that the appellant has failed to demonstrate that the development would have acceptable effect on the listed building. Consequently, I cannot conclude that the development would comply with Policy EQ3 of the Local Plan, which states that heritage assets will be conserved and where appropriate enhanced for their historic significance.

**Other Matters**

18. The appellant suggests that the current ground floor use is temporary, and that the building is not otherwise well suited to a viable use given the size and location of its windows, and the fact that it is listed. Little evidence has however been provided to substantiate these claims. In its absence they do not alter my findings above.
19. The site is also located within Castle Cary Conservation Area (the Conservation Area). It is thus necessary for me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
20. Insofar as it is relevant to this appeal, the significance of the Conservation Area resides in the historic layout of the town, and the collection and interrelationship of historic buildings and spaces it contains. Within this context

the listed building is an important feature which makes a positive contribution to the significance of the Conservation Area.

21. No objection has been raised by the Council with regard to the Conservation Area. Indeed, no external alterations are proposed, or likely to be necessary in the context of noise considerations. The use would not otherwise give rise to any obviously adverse visual effects within the streetscene. As such the character and appearance of the Conservation Area would be preserved, and its significance conserved.

**Conclusion**

22. For the reasons set out above I conclude that the appeal should be dismissed.

*Benjamin Webb*

INSPECTOR



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## Appeal Decisions

Site visit made on 17 November 2020

**by M Scriven BA (Hons) MSc CMgr MCIHT MCMI**

an Inspector appointed by the Secretary of State

Decision date: 11 February 2021

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### **Appeal A Ref: APP/R3325/W/20/3256486**

**Land to the Southeast of Station Road, Station Road, Milborne Port, OS 367848, 119513**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs Hunt of Toft Hill LTD c/o Walker and Sons (Hauliers) LTD against the decision of South Somerset District Council.
  - The application Ref 18/02859/OUT, dated 6 August 2018, was refused by notice dated 8 April 2020.
  - The development proposed is an outline application for residential development for up to 30 dwellings including access, with all other matters reserved, land to the south east of Station Road, Milborne Port.
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### **Appeal B Ref: APP/R3325/W/20/3256496**

**Land to the Southeast of Station Road, Station Road, Milborne Port, OS 367848, 119513**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs Hunt of Toft Hill LTD c/o Walker and Sons (Hauliers) LTD against the decision of South Somerset District Council.
  - The application Ref 18/02409/OUT, dated 2 September, 2018, was refused by notice dated 8 April 2020.
  - The development proposed is an outline application for residential development for up to 10 dwellings including access, with all other matters reserved, land to the south east of Station Road, Milborne Port.
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### **Decisions**

1. Appeal A is dismissed.
2. Appeal B is dismissed.

### **Application for costs**

3. Applications for costs were made by Mr and Mrs Hunt against South Somerset Council. These applications are the subject of separate Decisions.

### **Procedural matters**

4. Both appeals relate to outline applications with all matters, other than access, reserved for future consideration. I have considered both appeals on the plans submitted.
5. The Council referred to a letter dated 17 August, 2020, in their appeal statement from Natural England regarding the effect of development proposals

in the wider catchment area of the Somerset Levels and Moors Ramsar site. I have dealt with this below.

6. The Council issued a revised position on their 5-year housing land supply after the final comments stage of the appeals, showing a forward supply of approximately 6 years. It is critical that my decisions are based upon the most up to date and accurate information, therefore the appellant was provided opportunity to comment on the updated position.
7. At the point of providing an updated position on housing land supply the Council also stated that Policy SS1 of the South Somerset Local Plan (2006-2028), 2015 (LP) regarding the settlement strategy should additionally be afforded significant weight in the appeals. I have dealt with this below.

### **Main Issues**

8. The main issues in both appeals are;
  - Whether the proposed location is suitable for housing development, particularly with regard proximity to necessary goods and services;
  - The effect of the proposed development on highway safety, specifically at the proposed junction with Station Road;
  - The effect of the proposed development on the character and appearance of the area;
  - The effect of the proposed development on the biodiversity of the area.

Additionally, a further main issue is considered regarding Appeal A, that of the effect of the proposed development on local education provision, in particular its role in community cohesion.

### **Reasons**

#### *Location of housing development*

9. The appeal site is the same for both Appeals. The site is located on the edge of a compact village settlement and would be served by a dedicated footway, linking the proposed developments to the village centre and the services it offers. The village has also been identified as a Rural Centre for future housing growth by the Council.
10. A recent appeal Decision<sup>1</sup> at the same site concluded the site meets the requirements of Policy SS1 of the LP with regard its location for housing development. I have no reason to consider that the circumstances relating to the location of the site have changed in the time since that Decision, nor their proximity to key services.
11. The Council have stated in the delegated Officer's report that the proposals before me would be considered to be acceptably located in relation to key services. Likewise, Policy SS1 was not referred to in the Council's reasons for refusal or their appeal statement as being a point of objection. The fact that at the time of the Council's decisions and appeal statement submissions a 5-year housing land supply was not demonstrable, did not preclude the Council from

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<sup>1</sup> APP/R3325/W/18/3198725

considering the proposed schemes against all extant policies of the Development Plan.

12. Therefore, I am of the view that the proposed development in both appeals would accord with Policy SS1 of the LP, which amongst other things, seeks to ensure development is located so as to allow for adequate access to goods and services.

#### *Highway Safety*

13. The proposed access arrangements for both appeals, located a short distance from the commencement of the 30mph speed limit and on the outside of the bend on Station Road, are the same for both appeals.
14. I have little detail regarding how the proposed highway works would be delivered or secured. However, the appellant intends to amend the existing access on to Station Road which currently serves the solar farm, realigning and widening it slightly to the north. The existing gated access to the appeal field would be blocked up and the track running adjacent to the site would be left unused. A new footway would also be created running along the outside of the bend, behind the main carriageway, albeit in front of existing hardstanding understood to be public highway, linking to an existing footway at Henning Way.
15. Although the existing access to Everslea would not be impeded, the existing informal parking arrangement at Meadowside, utilising the area of hardstanding would be affected by the creation of the proposed footway. The tracking information provided shows how two vehicles could continue to park subject to manoeuvring, entering and leaving in forward gear. However, the manoeuvre would appear to require reversing at a tight angle, back across the proposed footway, to achieve the desired positioning on the hardstanding. Such a manoeuvre would be harmful to highway safety as visibility of any pedestrians for the driver reversing would be constrained by the angle at which the vehicle would need to reverse.
16. Similarly, the driver of the reversing vehicle would appear to have minimal margin for error in terms of their positioning whilst attempting to manoeuvre across the footway, increasing the likelihood of overhanging the footway back into the carriageway and hitting a passing car. Given the tracking information shows a medium sized car this would be of greater risk for a larger vehicle. Furthermore, such a manoeuvre would likely be confusing for drivers approaching from the north who would be unclear if the reversing vehicle was intending to reverse on to the carriageway. Therefore, in my view the necessary manoeuvre would likely introduce significant harm to the safety of highway users.
17. I understand that the existing parking situation at Meadowside is currently an informal arrangement. However, the appellant's proposals would facilitate the arrangement's continuation. If this continued usage was not provided for, the occupants would have little alternative parking provision nearby and any parking on or near the bend, even if for short periods associated with loading and unloading, would itself result in harm to highway safety given the road layout. As such I do not consider it appropriate to impose a condition resulting in the current arrangement ceasing.

18. If not well maintained, the banked verge and current hedge arrangement on the inside of the bend would compromise the ability of drivers turning right into the proposed access from Station Road being able to see oncoming traffic from the north. However, the verge appears to be within the control of the highway authority, and as such this risk is of low likelihood. I noted at the time of my visit the hedge had recently been cut and the verge was not overgrown. The appellant has provided a topographical survey and sightline drawing demonstrating there would be sufficient forward visibility for drivers turning right and I have no substantive evidence from the Council or the highway authority to demonstrate the contrary.
19. Although the drawing demonstrating the forward visibility of vehicles waiting to turn right for drivers approaching from the south appears to be based on a previous design iteration, 17/306/TR/001, I concur with the appellant that adequate forward visibility of vehicles waiting to turn right can be achieved subject to the verge and hedge being adequately maintained. Likewise, visibility for vehicles turning out of the proposed access appears sufficient.
20. Any continued use of the track would require access to be maintained and it is unclear how this could be achieved with the proposed parking arrangement at Meadowside. However, the appellant has stated the track would be left unused and it is not a designated public right of way. If the proposal were otherwise acceptable this could be dealt with through the use of an appropriate condition.
21. I fully acknowledge that the Council's first reason for refusal in both appeals on highway grounds does not appear to relate to the proposal before me but rather a previous proposal for the site access, which incorporated carriageway changes to accommodate the footway. However, the matters of vehicle movements, visibility and parking, were raised by the Highway Authority in their appeal supporting statement and I have therefore given these comments full consideration. The appellant has had opportunity to address these concerns during the appeal and, although rebuttal has been provided, in the absence of any formal road safety audit view I cannot be satisfied, further to the information provided and my site observations, for the reasons above, that the safety of highway users would not be harmed as result of the proposal.
22. I accept that other transport impacts of the proposals would not be severe in terms of traffic generation and congestion. However, notwithstanding the appellant's view that the effect of the proposal on highway safety would be less than severe I consider it to be of significant harm. That the proposed footway arrangement would likely be used less in Appeal B by pedestrians does not in my view make it materially less harmful given the risk identified above.
23. Therefore, the proposed access in both appeals would not accord with Policy TA5 of the LP, which amongst other things seeks to ensure that development proposals do not adversely affect the safety of highway users. Likewise, the proposal would not accord with the National Planning Policy Framework, 2019 (the Framework), with regard to highway safety, particularly paragraph 109.

#### *Character and appearance*

24. The appeal site for both Appeals runs along the top section of two gradually sloping fields beneath the main settlement of the village, bound by established hedgerow. The fields albeit not part of any protected landscape, currently provide a valuable buffer between the established settlement boundary and a



- solar farm, ensuring the two developments do not appear as one sprawling form.
25. The site is clearly visible from public areas including the recreation ground, and as demonstrated by the comprehensive Landscape Appeal Statement, the site is clearly seen from East Hill, associated rights of way, Millennium Viewpoint and Wheathill Lane which runs along the escarpment. When approaching from the North, the site's western hedgerow and the track form a clear boundary of the associated development of the village, with views of open countryside and wooded slopes beyond. The appeal site is also clearly seen from housing areas situated above the site which look down on to it.
  26. The proposed development of Appeal A would introduce up to 30 dwellings into the undeveloped agricultural land. Appeal B would provide up to 10 dwellings. Both proposals are indicatively shown to follow a similar linear arrangement of development off a spine road, with the wider site broadly aligning with existing housing development to the West. Appeal B would incorporate larger plots and houses covering a similar area to Appeal A.
  27. The introduction of housing development into the existing fields would result in the separation of the village and the solar farm being harmfully eroded, albeit not entirely, giving the harmful appearance of a much larger and wider reaching settlement overall. I accept that the detailed layouts of the proposed developments would be for future consideration. However, given the sloping topography of the site, it would appear that any form of residential development would be seen at harmful odds with the existing agricultural landscape.
  28. The proposals would also appear as incongruous parcels of development on the edge of the village when seen from East Hill and Wheathill Lane, projecting outward from the existing compact settlement. The harmful visual effect would be more pronounced with respect to Appeal A given the increased density of homes compared to Appeal B. However, the Appeal B proposals would still result in harm given the site is on previously undeveloped land over the same area as Appeal A.
  29. I acknowledge that the issue of landscaping is for future consideration and that the proposals do include a mix of two-storey and chalet bungalows. However, the indicative landscaping proposals would be unlikely to adequately screen the proposals without compromising the character and appearance of the area or affecting existing outlook by virtue of the height of that which would be required. Similarly, any intended landscaping for the purposes of screening would likely have minimal effect when viewed from above to the east.
  30. The landscape appraisals do not argue that there would be no landscape or visual harm, as a result of the proposals, but rather minor adverse effect. Nonetheless this still constitutes a degree of harm. The appellant contends that the proposed developments would reflect the character of the existing residential development which sits nearby. I cannot be certain of this given the outline proposal before me. However, I accept that the proposals would likely be able to accommodate good size plots with adequate separation distances between dwellings, as well as space for landscaping and open space.
  31. Notwithstanding the appellant's view that the presence of the solar farm would partially offset the effect of the proposed developments, for the reasons above

I consider it would harmfully create the appearance of a much larger village overall given its close proximity to the appeal site, particularly from viewpoints to the north and east.

32. I note that the proposals before me have reduced the site coverage of that previously dismissed at appeal and that previous studies identified this part of Milborne Port had a moderate capacity for development. However, I understand alternative sites were selected for development and for the reasons above, the proposals before me would significantly harm the character and appearance of the area, irrespective of whether that harm is less than that associated with the previous appeal.
33. Therefore, the proposals of both Appeal A and B would not accord with Policy EQ2 of the LP which seeks to ensure development proposals do not adversely affect the character and appearance of the area and enhance landscape character. For the reasons above the proposed developments would also not accord with the Framework in this regard.

#### *Biodiversity*

34. The appellant has provided an ecology appraisal dated, May 2020. However, there is little detail regarding the site's existing habitats, including hedgerows and their suitability to support foraging or commuting bats and other species. Regulation 9 of the Conservation of Habitats and Species Regulations, 2017, imposes a duty on decision makers to consider whether there is a reasonable likelihood of protected species, including bats, being present and affected by proposed development. As such I do not consider that such matters should be dealt with in future by means of condition or dealt with at reserved matters stage. In the absence of satisfactory information to the contrary, a precautionary approach should be taken given the site's rural location and established hedgerows.
35. I note from the indicative proposals that some areas of hedgerow would appear to be retained or improved. However, I cannot be certain of this given the outline application before me reserves such matters for future consideration.
36. The Council have identified that the proposed site sits within the catchment area of the Somerset Levels and Moors Ramsar site, as defined by the Conservation of Habitats and Species Regulations, 2017. The Council and partners are understood to be currently considering how to ensure development proposals, along with other plans and projects would not cause harm to the special interest features of the sites of international nature conservation importance. In such instances a precautionary approach should be taken. I acknowledge that it would appear initial discussions have taken place between the appellant and Wessex Water regarding waste water. However, bearing in mind my findings on the main issues and that I have concluded that the appeals should be dismissed, I have not pursued this matter any further.
37. Therefore, in the absence of substantive evidence to the contrary, the proposed developments would not accord with policy EQ4 of the LP which seeks to ensure development proposals do not adversely affect existing biodiversity and protected species. For the reasons above the proposed developments would also not accord with the Framework and its requirements relating to protected species.

### *Education provision*

38. Appeal A would result in significant additional pressure on the existing village primary school and early years provision. The Local Education Authority (LEA) state that they objected to the proposal at the application stage as the proposed development would create a situation whereby the school could not provide for all the children from the proposed development. Capacity at the school is intended to increase through additional classroom provision. However, it is understood that this increased capacity would be in order to at least partly serve other nearby new development proposals.
39. The LEA's appeal supporting statement does not appear to definitively state that capacity cannot be achieved through improvement or extension of existing accommodation but rather that an assessment and feasibility study would be required. The LEA have requested that if Appeal A were allowed that an associated financial contribution be made for either the creation of additional capacity or if necessary, transport provision to nearby schools, the appellant has provided a Unilateral Undertaking which satisfies their requirement.
40. In the event of it being necessary, irrespective of the number of children needing to be transported to other schools away from the village, such an arrangement would be far from desirable for community cohesion and sustainability. The previous Inspector described such arrangements as the antithesis of good planning as schools form an essential element of a community's social requirements. That there is a degree of parental choice in school selection does not in my view offset the harm that would result from children being transported away from their home village for education. Likewise, notwithstanding the view of the appellant, I have no reason to consider that parents would not want their children to attend the local school which would be within around half a mile walking distance as opposed to other schools three to five miles away from the proposed development.
41. Therefore, although with respect to Appeal A, the appellant would fund the necessary measures required to ensure no adverse effect to local education provision, which would be of neutral weight, I do not have sufficient detail to satisfy myself that the proposed development's effect on primary school provision, particularly with regard to wider social cohesion would not be harmful. As such the proposal would not satisfy the objectives of the Framework in promoting healthy and sustainable communities, ensuring that an integrated approach is taken to planning housing development and community facilities.
42. However, given my findings on the other main issues, this matter has not been determinative in my consideration of the appeal. I also accept that it is beyond the control of the appellant that the LEA would only undertake feasibility studies regarding school expansion once planning permission was granted.

### **Other matters**

43. That there were no objections on other policy grounds to the appeals including drainage and environmental health, albeit associated conditions were proposed by the Council, are of neutral weight.
44. The appellant suggests that if necessary the proposals of Appeal A could be amended by use of an appropriate condition to provide for accommodation for

the over 55's to ensure no adverse effect on education provision. However, as stated above the matter has not been determinative in the appeal.

45. The appellant identifies that significant weight should be afforded to the provision of new housing as identified in a previous Appeal Decision, (ref APP/M1005/W/17/3198996), I have dealt with this below.

### **Appeal A planning balance**

46. With respect to Appeal A, the proposed development would harm highway safety, the character and appearance of the area and I have insufficient detail to conclude that biodiversity, including protected species would not be harmed. A unilateral undertaking has been provided which would result in public benefit in the shape of affordable housing and recreation facilities. The proposal would result in moderate economic benefit as a result of its construction and add up to 30 homes to the local housing mix. However, the identified benefits do not outweigh the identified harm overall.
47. The appellant points out that the latest housing land supply position has not been the subject of examination or test. However, the appellant was given opportunity to comment on the Council's updated position. Even if there is a shortfall in 5-year housing supply of that previously submitted and that the most important policies for determining the proposal should be considered out-of-date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits identified above.

### **Appeal B planning balance**

48. With regard to Appeal B the proposed development would harm highway safety, the character and appearance of the area and biodiversity. The harm to the character and appearance of the area would only be likely to be marginally less than Appeal A as it would appear the same size site would effectively be the subject of development, albeit lower density. A unilateral undertaking has been provided which would likely result in public benefit in the shape of affordable housing. The proposal would result in minor economic benefit as a result of its construction and add 10 houses to the local housing mix. However, these benefits do not outweigh the identified harm.
49. The appellant points out that the latest housing land supply position has not been the subject of examination or test. However, the appellant was given opportunity to comment on the Council's updated position. Even if there is a shortfall in 5-year housing supply of that previously submitted and that the most important policies for determining the proposal should be considered out-of-date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits identified above.

### **Conclusion**

50. For the reasons above, having had regard to the Development Plan and Framework as a whole, both Appeal A and Appeal B are dismissed.

*M Scriven*

INSPECTOR

## Schedule of Planning Applications to be determined by Committee

Director: Kirsty Larkins, Service Delivery  
Lead Officer: Barry James, Interim Planning Lead Specialist  
Contact Details: Barry.James@southsomerset.gov.uk

### Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area East Committee at this meeting.

### Recommendations

Members are asked to note the schedule of planning applications.  
**Planning Applications will be considered no earlier than 9.00am.**

The meeting will be viewable online by selecting the committee at:  
[https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF\\_soA](https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA)

Any member of the public wishing to address the virtual meeting regarding a Planning Application need to email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on Tuesday 9<sup>th</sup> March 2021.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
13	BLACKMOOR VALE	20/01667/FUL	Erect dwellinghouse and construct access thereto.	Land At Lemons Ground Whitechurch Lane Yenston	Mr and Mrs W Wallace

Further information about planning applications is shown on the following page and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda has been prepared.

# Agenda Item 12

## Officer Report On Planning Application: 20/01667/FUL

<b>Proposal :</b>	Erect dwellinghouse and construct access thereto.
<b>Site Address:</b>	Land At Lemons Ground Whitechurch Lane Yenston
<b>Parish:</b>	Henstridge
<b>BLACKMOOR VALE Ward (SSDC Member)</b>	Cllr W Wallace Cllr H Burt
<b>Recommending Case Officer:</b>	Debbie Redding (Specialist) Tel: 01935 462348 Email: debbie.redding@southsomerset.gov.uk
<b>Target date :</b>	1st September 2020
<b>Applicant :</b>	Mr and Mrs W Wallace
<b>Agent: (no agent if blank)</b>	Brimble, Lea & Partners Wessex House High Street Gillingham SP8 4AG
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### **REASON FOR REFERRAL TO COMMITTEE**

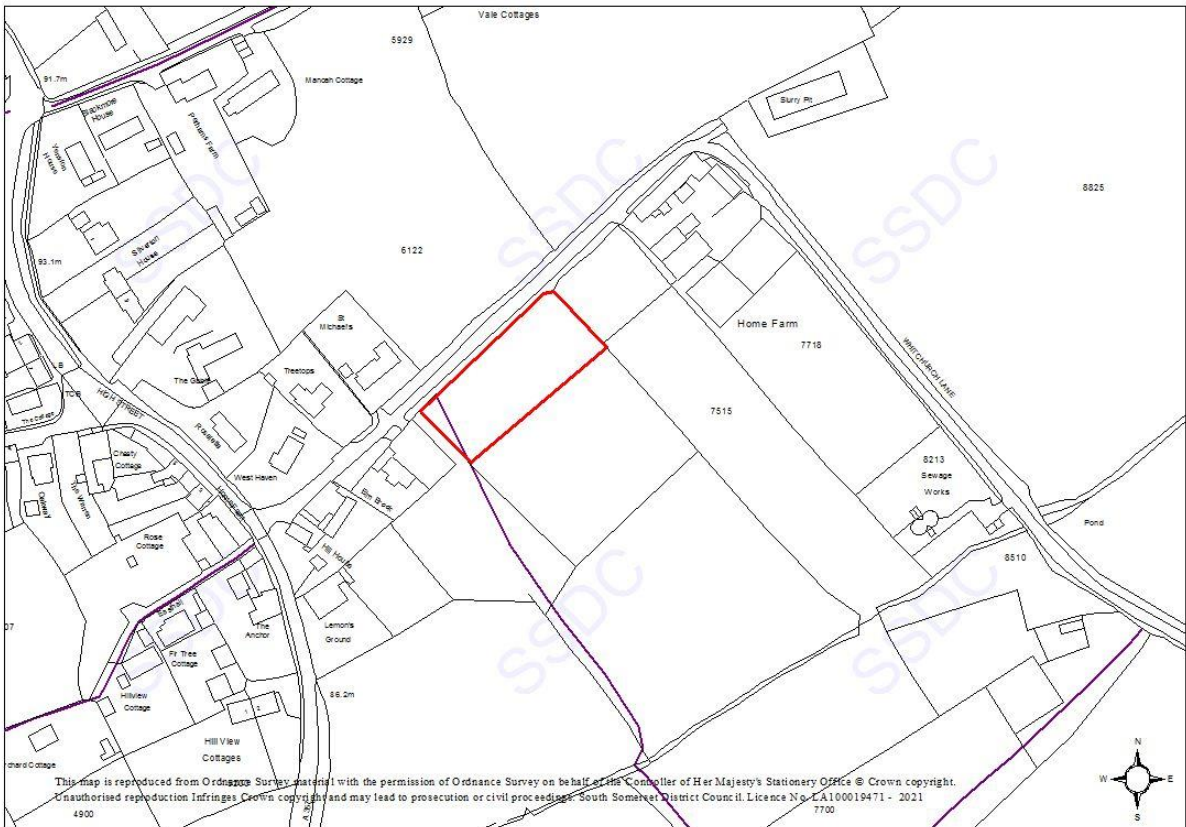
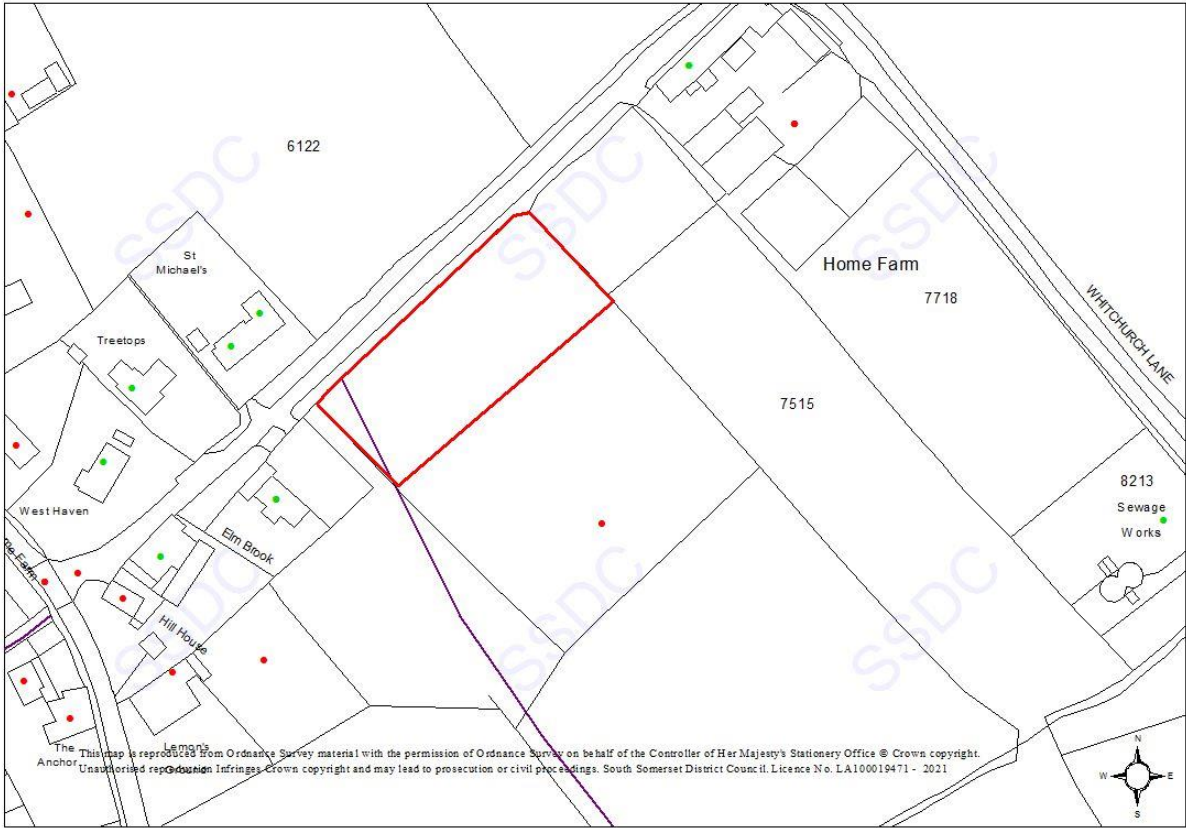
This application is to be determined at the Area East Planning Committee in accordance with our scheme of delegation, as the applicant is an elected member of SSDC.

### **SITE DESCRIPTION AND PROPOSAL**

The application site is approximately 0.28ha located on the south side of Whitechurch lane (a C class road) to the east of the A357 which runs through the village of Yenston. The site is current in agricultural use, has an animal shelter in the northern corner of the site and is within Flood zone 1.

This application seeks full planning permission for the erection of a substantial detached 4 bedroom open market dwelling with attached double garage. The dwelling would be constructed in local natural stone with a natural slate roof and painted timber windows and doors.

A new vehicular access is proposed along the boundary to Whitechurch Lane and the existing field gate in the corner of the site with associated access to the public footpath to the south retained. The layout would include visibility splays to the access and parking for 4 cars and 2 bicycles. A sustainable drainage system is proposed for surface water and foul drainage would be connected to the mains sewers



**PLANNING HISTORY**

None relevant

**POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006-2028 (adopted March 2015).

SD1 (Sustainable Development);  
SS1 (Settlement Strategy);  
SS4 (District Wide Housing Provision);  
SS5 (Delivering New Housing Growth);  
HG4 (Provision of Affordable Housing - Sites of 1-5 Dwellings);  
TA5 (Transport Impact of new Development)  
TA6 (Parking Standards);  
EQ1 (Addressing Climate Change in South Somerset);  
EQ2 (General Development)  
EQ4 (Biodiversity).

#### National Planning Policy Framework 2019

Chapter 2      Achieving Sustainable Development  
Chapter 4      Decision Making  
Chapter 5      Delivering a Sufficient Supply of Homes  
Chapter 9      Promoting Sustainable Transport  
Chapter 12     Achieving Well-Designed Places  
Chapter 15     Conserving and enhancing the natural environment

#### Planning Policy Guidance

Somerset County Council Parking Strategy (March 2012)  
National Design Guide

#### **REPRESENTATIONS**

One representation has been received in support of this application:-

We have lived and worked on our family farm which is located in and around Yenston for three generations and over the years it has become very obvious we are very short of family homes in and around Yenston. This particular site lends itself extremely well regarding Highways, connections to Templecombe or Henstridge Primary schools and wider to A303, A30 and most important Templecombe railway Station.

#### **CONSULTATIONS**

##### Henstridge Parish Council :

Support this application, however, would like to make the following points:

- o        The site is a Greenfield site and may be designated for agricultural use. The Parish Council assume that this matter will be considered by SSDC Planning Officers along with the policy on in-fill.
- o        Any alterations to Block, Site, Access, External appearance, Elevations and Specification that may be considered after permission has been granted should be returned for approval by Council.
- o        Whitechurch Lane has no storm drainage and in heavy rain, surface water escapes down the lane as quite a significant flow which gathers in the dip by the Sewage plant causing minor flooding. To avoid making this worse the Parish Council recommends the driveway and Parking area has a loose surface to prevent run-off into the lane.

##### Highway Authority :

Standing advice applies.

##### SSDC Highways Consultant :

Whitechurch Lane is narrow but at its light controlled junction with the A357, there appears to be sufficient width to allow two vehicles to pass one another and it would seem that Whitechurch Lane only serves a handful of dwellings. Therefore, it is unlikely the traffic impact of the scheme would be significant. The proposed location of the access and the associated visibility splays are acceptable. The first 5m of the access must be properly consolidated and surfaced (not loose stone or gravel) and appropriately drained. The proposed on-site parking and turning provision is acceptable. A charging



point will be required for electric vehicles

#### Rights of Way Officer :

Initial comment:-

The current proposal will obstruct the footpath WN 12/2 due to the proposed boundaries.

The proposal either needs to be revised to prevent any obstruction or a diversion order applied for.

The applicant must apply to the Local Planning Authority for a diversion order.

The County Council do not object to the proposal subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way.

Following re-consultation:-

A Grampian-style condition will be required in this respect with regard to timing:-

No development hereby approved which shall interfere with or compromise the use of footpath WN 12/2 shall take place until a path diversion order has been made and confirmed

Please include the following paragraph as an informative note on the permission, if granted:-

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

#### County Ecology :

The applicant will be required to commission a Preliminary Ecological Appraisal, which may recommend further surveys and mitigation, as required.

Notwithstanding the above, following recent advice from Natural England this application may now require a Habitats Regulations Assessment (HRA) due to the recent CJEU Dutch Nitrogen case law. This is because the application site falls within the catchment flowing into the Somerset Levels and Moors Ramsar, designated for its rare aquatic invertebrates. 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 foul water discharge. 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.

Following receipt of Preliminary Ecological Appraisal additional comments provided:-

A Preliminary Ecological Appraisal of the application site was carried out in October 2020 by David Leach Ecology.

Habitat:

- o The site is a 0.27 ha section of a large semi improved grass field.
- o The site has a public footpath running along the south west boundary, a road and hedge on the north- west boundary, was open to the main grass field to the south-east and had a mixed native hedge at the north-east boundary. There were a few small trees at the north east of the site and two small open fronted animal shelters at the north corner of the site. Near the animal shelters was an area of ruderals, mainly common nettles with some thistles and docks.
- o One of the animal shelters had walls of wood sheeting and two metal garage doors with a corrugated metal roof. The second shelter had wood cladding walls and corrugated bitumen sheet roofing.
- o The hedge at the north-west of the site was approximately 2 - 3m high and 2m wide.
- o At the north and west boundary were some ruderals at the bottom of the hedge including nettles (*Urtica dioica*), cow parsley (*Anthriscus sylvestris*) and cleavers (*Galium aparine*).
- o Species noted within the hedgerow: Elder (*Sambucus nigra*), blackthorn (*Prunus spinosa*), oak (*Quercus robur*), hawthorn (*Crataegus monogyna*), sycamore (*Acer pseudoplatanus*).
- o The main species present were blackthorn and hawthorn. In addition the woody species the hedge contained bramble (*Rubus fruticosus*), honeysuckle (*Lonicera periclymenum*) ivy (*Hedera helix*) and rosa sp.
- o There are no large trees along the section of hedge to be affected.
- o Species noted within ground flora: cow parsley, cleavers, common nettle, spear thistle (*Cirsium vulgare*), bramble, ivy (*Hedera helix*), yarrow (*Achillea millefolium*) ground ivy (*Glechoma hederacea*), hawkbit (*Leontodon* sp.), rumex sp. red clover (*Trifolium pratense*), broad leaved plantain (*Plantago major*) and common mallow (*Malva sylvestris*).
- o No rare or uncommon plants were found on site.
- o There were no signs of invasive plants within or near the site.

#### Bats

- o There are no trees on site with potential roosting features for bats.
- o The hedges on site could be used by foraging and commuting bats.
  
- o No signs of bats were found in the animal shelters which had negligible roosting potential due to a lack of roosting features and being exposed to high light levels and draughts.

#### Birds

- o A birds nest, possible a blackbirds, was found in the large of the two animal shelters.
- o There is potential nesting habitat in the hedge at the north-west of the site.
- o No evidence of barn owls was found in the animal shelters.
- o The habitat on and around the site is mainly close grazed grass with provides suboptimal habitat for voles and other prey items of barn owls and it is unlikely that barn owls regularly hunt in the field.

#### Reptiles

- o The majority of the habitat on site is closely grazed grass which provided sub optimal habitat for reptiles.
- o The ruderal vegetation at the bottom of the hedge provides moderate potential for reptiles. It is unlikely that a significant population of reptiles will be present.

#### Great crested newts

- o There are no ponds on site or nearby and it is unlikely that any great crested newts (*Triturus cristatus*) will be affected by the proposed works.
- o The nearest ponds are the other side of the village and are separated from the site by a buildings and roads road which acts as a barrier for commuting newts.
- o There were no records of great crested newts found within 1km of the site.
- o There is a pond 150m to the south west marked on some maps. However this was inspected and found to be a widening of the stream which runs along the bottom of a field and which has no suitability for great crested newts. It may historically have been a pond but is now part of the stream with no standing water (see plate 13 & 14).

#### Water voles and otters

- o There are no waterbodies on site or nearby that would provide suitable habitat for water voles or otters.

#### Badgers

- o No badger setts were found and no signs of badger activity such as snuffle holes or latrines were seen.

#### Dormice

- o The site has short lengths of hedgerow and is not linked to any ancient woodland which may hold populations of dormice. There are no dormice records within 1km of the site which has limited suitable habitat for dormice and it is unlikely any will be on site.

The hedges on site could be used by foraging and commuting bats and the site is within Consideration Zone C for Brown Long-eared bats. Therefore, the following shall be conditioned:

- 1) Prior to occupation of the dwellings, a "lighting design for bats" for the existing and proposed bordering hedgerows and tree's on the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
  - a) identify those areas/features on site that are particularly sensitive for bats (the existing and proposed bordering hedgerows and tree's) and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed through the provision lighting contour plans and if appropriate directional lighting of lights with hoods technical specifications so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
  - c) Where PIR timers are to be included, it should be shown that timers are going to be set to less than one minute.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

To create an access onto the site a 10m section of hedgerow will be removed. David Leach Ecology have stated that it is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season. Therefore, the following shall be conditioned:

- 2) No removal of hedgerows, trees, scrub, bramble and any other vegetation that provides

potential for nesting birds shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of buildings commences 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.

Reason: In the interests of nesting wild birds and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

It has been highlighted that other than the removal of a 10m section of hedgerow on the northwest of the site, all vegetation as a whole is being retained. The following shall be conditioned:

3) All retained trees and hedgerow bordering site, will be protected during the works, including groundworks marked by Heras fencing erected prior to works commencing. No materials or plant should be allowed within the 1m buffer zone.

Reason: In accordance with BS 5837:2012, NPPF 2018 and UK Government guidance on Ancient woodland, ancient trees and veteran trees: protecting them from development 2018

4) All retained trees and hedgerow bordering site in addition to the ruderal habitat at the base of the north western hedge that provides moderate reptile habitat shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. Photographs of the measures shall be submitted to the Local Planning Authority prior to the commencement of any vegetative clearance or groundworks. The measures shall be maintained throughout the construction period.

Reason: A pre-commencement condition in the interests of European and UK protected species and biodiversity generally and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

Due to the moderate potential the site offers of reptiles, the following shall be conditioned:

5) Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

Reason: In the interests of UK protected and priority species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to first occupation of the new dwelling. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BEP shall include the following:

a) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation

b) A Schwegler House Martin Terrace No. 11 or will be installed under the eaves of the north-west elevation

c) Two bee bricks built into the wall about 1 metre above ground level on the south-west and south-east elevation of the new dwelling.

d) To compensate and enhance for the loss of the 10m hedgerow on the north-west side of the site, approximately 100m of hedgerow will be planted around the site. The new hedgerow/s to be planted up with native species comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle.

e) Where the landscaping scheme allows all new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech.

f) All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators,

www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native.  
Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018.

I am satisfied that the buildings onsite provide negligible roosting potential for bats. However, due to the opportunistic behaviour of some bat species, including pipistrelles, along with the site's location set within habitats that will support bats, please attach the following informative to any planning permission granted:

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.

As long as the above is actioned as worded, I have no further comment.

## **CONSIDERATIONS**

### **PRINCIPLE OF DEVELOPMENT**

Policy SS1 of the adopted local plan provides a settlement strategy and hierarchy which seeks to direct new development to strategic towns, market towns and rural centres; and other rural settlement are consider as being part of the countryside. Policy SS5 of the local plan identifies a target of 2,242 dwellings in Rural Settlements between 2006-2028 and this target has already been exceeded. Policy SS2 seeks to strictly control devolvment in Rural Settlements and would only support residential development if this meets identified housing need, particularly for affordable housing.

From November 2020 South Somerset District Council can demonstrate a housing land supply equivalent to 6 years and therefore policies SSI and SS2 and the settlement strategy of the adopted local plan carry full weight. The target for dwellings in rural settlements in the district during the plan period has already been exceeded. Yenston is not a significant town, market town or rural centre and the proposal is not for employment, community facilities or affordable housing and therefore is contrary to policy SS2.

Yenston itself does not offer a range of local services with only a bus stop close to the junction of Whitechurch Lane and the A357 which provides an infrequent service. There is a nursery school in Whitechurch Lane but this is on the outskirts of and closer to Henstridge. Yenston is located between the villages of Henstridge and Templecombe which do have a greater range of services, employment and these rural settlements would be considered to be more sustainable locations for development. Access to these villages by foot or cycle would be too far along unsafe, unlit roads without footpaths.

This proposal would not meet an identified housing need, it is for a large detached property within a large plot and therefore would not provide suitable housing for young people wishing to stay in the area or for older people retiring and downsizing, which are types of housing which could be more acceptable in rural settlements. One additional dwelling would not provide significant benefit in terms of support to the local community or economy. Overall the principle of development is considered to be unacceptable and contrary to SD1, SS1 and SS2 of the Local Plan.

### **APPEARANCE AND DESIGN**

The design and materials proposed would be generally acceptable in this location and could be controlled by condition. The proposed hedgerow planting would help to soften the appearance of the plot in this rural location.

### **AMENITY**

The proposed dwelling would be within a substantial plot and would not have any close neighbours. As such the proposal would not affect the privacy, light and living conditions of the occupiers of nearby properties and there will be sufficient space within the plot to serve the proposed dwelling.

### **HIGHWAYS**

A new vehicular access is proposed to serve the new dwelling which has acceptable visibility in both directions and there is adequate space within the plot for parking and turning of vehicles. The proposal

would be acceptable in highways terms subject to conditions regarding the access and parking and provision of a charging point.

Public Footpath WN12/2 crosses the north-west corner of the site and there has been some discussion during the progress of the application regarding the position of the access to the footpath and the exact route of a previous diversion order. A revised site layout plan has been submitted which shows the route of the footpath to be clear of the proposed built development and the boundary treatment not obstructing the route such that it would be available for public use. Subject to a condition and informative to be attached to any decision the proposal is not considered to compromise the route or use of the footpath and the query regarding the former diversion order can be resolved separately and an application for diversion submitted if required.

#### **ECOLOGY AND BIODIVERSITY**

The application site is not within the Somerset Levels catchment area and therefore assessment and mitigation with regard to phosphate output is not required.

An ecological appraisal has been provided as requested by the county ecologist which includes recommendations to protect existing habitats and provide additional enhancements. Conditions to be imposed if the applications were to be approved have been recommended by the County Ecologist.

#### **CONCLUSION**

The application site is within a rural settlement with limited services and as such development is strictly controlled in this location. The proposal is not for employment or community facilities and does not meet any identified housing need. Therefore the proposed development would not be one of the types of development identified in the Local plan to be acceptable in rural settlements and as such is contrary to policy SS1, SS2 and SS5 of the Local Plan.

Although Yenston is located between Templecombe and Henstridge which provide a wide range of local services and facilities, the bus service is limited and access to the services in these villages by foot or bicycle would not be safe and therefore not appealing to residents and therefore there would be a reliance on private vehicles contrary to Policy TA5 of the Local Plan.

Therefore, this application is recommended for refusal.

#### **RECOMMENDATION**

Refuse permission

01. The proposal is not in a strategic or market town, or rural centre where new development is sought to be directed in accordance with the Councils settlement strategy; Yenston is a small rural settlement where new development is strictly controlled, there is no identified housing need, and insufficient local services in the settlement. In addition this location does not provide safe accessibility for future residents to essential services. Therefore the development is considered to be unsustainable and as such is contrary to policies SD1, SS1, SS2, SS5 and TA5 of the South Somerset Local Plan.

#### **SUBJECT TO THE FOLLOWING:**

##### **Informatives:**

01. In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;

- o offering a pre-application advice service, and
- o as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case the applicant was advised that the proposal did not accord with the Development Plan, and that no material considerations were apparent that would outweigh these matters.