

Area North Committee – 22 August 2012

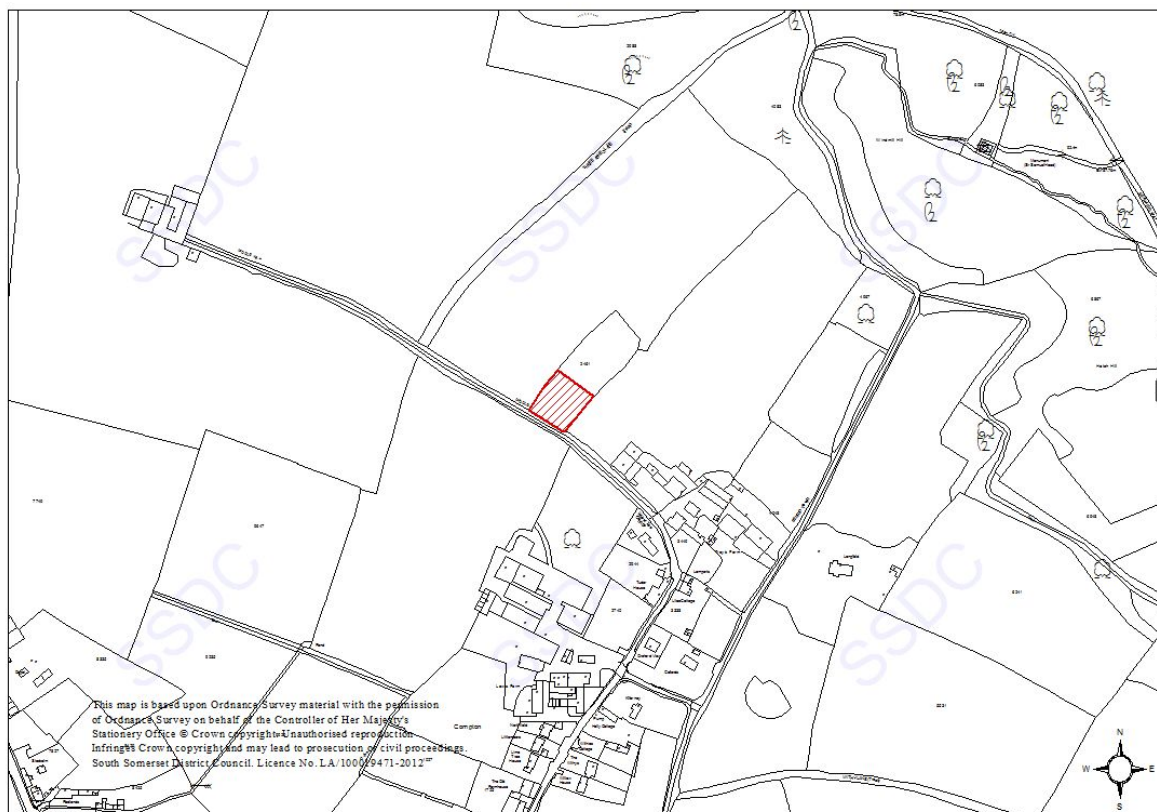
Officer Report On Planning Application: 12/01573/FUL

Proposal :	Change of use of land for siting of one mobile home, one touring caravan and the erection of one utility/dayroom (GR: 349248/133614)
Site Address:	Land OS 2461 Middle Way, Compton Dundon
Parish:	Compton Dundon
WESSEX Ward (SSDC Members)	Cllr P Clarke & Cllr D J Norris
Recommending Case Officer:	Claire Alers-Hankey Tel: 01935 462295 Email: claire.alers-hankey@southsomerset.gov.uk
Target date :	11th June 2012
Applicant :	Mr Steven Lovridge
Agent: (no agent if blank)	Mrs Sally Woodbury, Romani Gypsy Advisory Group Altona Park, Hillfarrance. Taunton, Somerset TA4 1AN
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Area North committee with the agreement of the Chair and Ward Member, to allow local concerns to be debated.

SITE DESCRIPTION AND PROPOSAL



The site is located to the northeast of Compton Dundon, accessed off Middle Way - an unsurfaced, unclassified adopted highway and falls outside of the defined development area for Compton Dundon, which finishes less than 100m away to the southeast. The south facing scarp of the Polden Hills runs behind the site. The site is close to a wildlife site and the East Polden Grasslands SSSI, but it is not located within the classified areas or within the 100m consultation zone for SSSIs.

The site is a small rectangular grass field, with an existing access at the southern end onto Middle Way, and bounded by mature, native species hedging on all boundaries.

This application seeks permission for the change of use of the land and siting of one gypsy/traveller pitch comprising one mobile home, one touring caravan and one utility/dayroom, with associated access and hardstanding.

HISTORY

11/04243/FUL - Change of use of land for siting of two mobile homes, two touring caravans and the erection of two utility/dayrooms. Application withdrawn on 16/01/2012, to enable consideration of a number of concerns that had been raised, including survey drawings of the access into the site to be prepared.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 - Sustainable Development

Policy STR6 - Development Outside Towns, Rural Centres and Villages

Policy 1 - Nature Conservation

Policy 5 - Landscape Character

Policy 36 - Sites for Gypsies and Travelling People

Policy 48 - Access and Parking

Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan:

Policy ST3 - Development Areas

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EC3 - Landscape Character

Policy EC8 - Protected Species

Policy EP3 - Light Pollution

Policy TP6 - Non-Residential Parking Provision

Policy HG11 - Long Term/Residential Sites

National Guidance

National Planning Policy Framework - March 2012:

- Chapter 4 - Promoting Sustainable Transport
- Chapter 6 - Delivering a Wide Choice of High Quality Homes
- Chapter 7 - Requiring Good Design

- Chapter 11 - Conserving and Enhancing the Natural Environment
- Paragraph 159 - Housing Need including gypsies and travellers

Planning policy for traveller sites - March 2012

- Para 9 a) states LPAs should provide a five year supply of deliverable sites.
- Policy H - Determining planning applications for traveller sites

Other Relevant Considerations:

The requirements of the Human Rights Act and the Race Relations Act are relevant.

Human Rights Act 1988, particularly Article 14, namely:-

“the right to freedom from discrimination on the grounds of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status.”

The Race Relation Act 1976 (as amended) - Section 71(1) requires that the District Council:-

“shall, in carrying out its functions, have due regard to the need-

(a) to eliminate unlawful racial discrimination; and

(b) to promote equality of opportunity and good race relations between persons of different racial groups.

South Somerset District Council Gypsy and Traveller Accommodation Assessment 2011

- This has assessed the need for gypsy and traveller sites across the district and concluded that there was an unmet need for 18 sites between 2010 and 2020.

Appeal Decision ref - APP/R3325/A/07/2051240 dated 15th June 2012, referring to a site at Owl Street, East Lambrook. The decision refers to the Council's adopted development plan policies, stating they do not significantly conflict with advice in the NPPF or Planning policy for traveller sites, and so carry full weight.

CONSULTATIONS

Compton Dundon Parish Council (PC) - Recommends refusal. Comments made in the PC response are summarised as follows:

- The proposal does not demonstrate that towing vehicles can safely access the site
- Applicant has not provided evidence to prove they own sufficient land to accommodate necessary visibility splays
- Water supply to the site has not been addressed
- Draft s278 agreement regarding works required to the right of way have not been provided
- Plans do not contain any defined on a defined safe play area and play area treatment/equipment
- It is not known whether the applicant's parents live in the district or not
- Middle Way is only suitable for walkers or horse riders. Access to the proposed development would seriously harm the amenities and character of the area and cause inconvenience and irritation
- Site is close to SSSI and is visible from many places including public footpath L7/42 and would have adverse visual impact
- The site is not close to adequate community facilities and services
- The site is not in a sustainable location
- Access cannot cope with an increase in traffic as proposed
- There is no provision for drinking water, sewage disposal or surface water drainage
- Proposed hardstanding will cause flooding on Middle Way
- Proposal does not respect the form, setting and character of the settlement, and would harm the natural and built environment and is unlikely to conserve the biodiversity and environmental aspects of the SSSI, particularly considering the incongruous nature and colour of caravans together with associated buildings and

- parking of vehicles.
- Landscaping mitigation will not adequately address the visual harm of the proposal
- Details why proposal is contrary to relevant planning policy
- No specific circumstances have been forwarded by the agent and therefore the Human Rights Act 1988 is not relevant
- No evidence has been provided to demonstrate the applicant is a bona fide gypsy
- A sustainability appraisal has not been carried out

County Highway Authority - Notes the lack of alternative modes of transport mean that any residents of the proposed use are likely to be wholly dependant upon the car as the principle mode of transport, particularly as public transport services are considered to be infrequent and distanced from the site. States Middle Way and the surrounding approach roads are predominantly single width, poorly aligned with limited passing places. The length of road from Trays Farm to the site (approx 100m) has a surface more akin to a farm track. Accordingly these roads are not considered suitable due to the width and alignment for vehicles that would be towing caravans to and from the site. Notes that following heavy rain fall, water sits on the highway in this location. States there is no continuous footway or street lighting in this area linking the site to the nearest settlements of Street and Somerton, and the road that links these settlements has a variable speed limit ranging between 30 and 60mph, and there is also a history of road traffic accidents along this stretch of highway, and hence is not considered to be a safe or convenient route for pedestrian users. Considers that sufficient onsite parking and turning commensurate with the use can be accommodated within the site. Notes that while the existing access into the field, while not regularly used at the moment, can be used at any time for agricultural purposes. Despite this, considers the access should be improved to provide an access that is perpendicular to Middle Way, so that the site is served by a safe and appropriate means of access to the adjoining public highway. Concludes that if the improvements identified are not addressed then the Highway Authority would recommend refusal of the application.

Highway Authority in response to the ROW Officer request regarding an extension to the Church Path - The Highway Authority has commented that unless the footpath is linked into other footways to provide one continuous one, then in this particular case it is not considered to be viable as it's provision would need to be designated to an adoptable standard and would be the subject of a full safety audit and legal agreement. There may also be issues with regard to its future ongoing maintenance and funding. Hence in this circumstance it is considered to be unreasonable to expect the applicant to provide and fund this as part of their development, particularly as there have been other applications for single residential units within Compton Dundon that have not been asked to make a contribution to such a scheme.

Area Engineer - No comment

Landscape Architect - Provides detailed response regarding the landscape impact of the proposed development, considering the landscape character, pattern and type of development and visibility of the site. In summary states that a landscape objection to the proposal can be offered, however this is not a heavily weighted objection, and given the district-wide need for pitches for the gypsy and travelling community, should the site be considered to be suitable in meeting this need, the landscape objection is not necessarily of such weight as to over-ride that view. However this is with the proviso that an acceptable level of mitigation can be achieved to moderate the visual impact of the development presence in this location. Recommendations are made as to what mitigation measures could be taken and are appropriate.

Environmental Protection Officer - Requires further information regarding soil

infiltration rates, which can be secured by condition.

Rights of Way Officer - Notes there are several public rights of way in the area. References an appeal decision for nearby Turners Field in 2002 and states the Inspector concluded that there would be harm to the rural landscape and dismissed the appeal. Confirms Middle Way is a class 4 carriageway with no footways or tarmac surface, and a no through road for motor vehicles. Requests that if planning permission is granted, then an agreement is made with the applicant to secure an extension to the reinstated Church Path with a blue lias flagstone track from Trays Farm to the site. Comments that many visitors to the area are likely to be naturalists and ornithologists equipped with binoculars or telescopes and hence the impact of the development when looking from Compton Dundon to the Hood Monument is greater. Concludes by objecting to the proposal, in line with comments made by the Council's Landscape Architect.

Ecologist - Raises no objection to the proposal. States all boundary hedgerows should be retained, excepting any removal that might be necessary for reasonable access to the site. Confirms there is no justification for a butterfly survey of the site. Recommends a condition to ensure a replacement barn owl roosting and nesting structure is provided to compensate for the loss of the field shelter that currently provides a roost/nest site, and also recommends a condition to require a pre-development wildlife survey for nesting birds.

Wessex Water - No objection

REPRESENTATIONS

55 letters of objection - Have been received, raising concern over the following summarised issues:

- Residents will have to travel everywhere by car as there are no amenities in the local village
- The roads are not made for increased volume of traffic
- There is no water or electric supply on site
- Any development of this site will be to the detriment and intrusion into the beautiful landscape
- Many people walk along the footpaths and bridleways in the area and the proposal will harm the visual amenity to these users as well as local residents
- Proposal may harm local wildlife and ecology, especially barn owls and butterflies
- New residents may have dogs or other animals and not keep them under control, and potentially upset the local farming community
- A self contained septic tank may contaminate the water supply in the adjacent field
- The site is beyond the development limits of Compton Dundon
- The proposal does not meet policy requirements for gypsy sites
- Middle Way is an unsurfaced track, which is not suitable for the traffic the development will create
- Vehicles accessing the site will harm the residential amenity of the dwellings along Compton Street, some of which are very close to the road
- The junction of Compton Street with the B3151 is restricted
- The proposed development would be seen from the above hills and would be out-of-keeping with the surrounding pattern of buildings and landscape and would have a harmful impact upon it
- Community facilities in Compton Dundon are minimal
- The applicant has given insufficient information regarding the proposed development
- Depreciation of nearby property prices
- Loss of amenity to village

- Likelihood of this remaining as a small site is minimal and difficulty of enforcing numbers is very poor - comparisons with Dale Farm made
- Important tourist area, where prominent views will be spoilt
- What is the classification of the land? Planning laws cannot be defined until this is determined
- Whether applicant is bona fide gypsy
- Ownership of the land and track leading to it needs to be clarified
- Is the area designated as an AONB?
- The structures applied for are excessive and all of them are not required for one family
- The environmental impact should be carefully considered
- Structures on site need to be in keeping with the character of the area
- What impact will this have on the potential for infill development?
- Information regarding sustainability credentials of proposal has not been submitted
- Site does not have good access to the nearby highway network
- Application does not address how the mobile home will be delivered to the site or how the touring caravan will be moved in and out
- Assessment of drainage and septic tank proposals needs to be made
- Amount of hardstanding proposed is too large
- Safe play area has not been provided on site
- Proposal is contrary to landscape character of area
- Proposal is contrary to policies of the Local Plan
- No specific health or welfare circumstances have been put forward to justify the use of this site by the proposed applicant
- Errors are made on the submitted application form
- Other villages who have applied for planning permission outside defined development areas have been refused
- Any development of this site would be harmful to the SSSI
- A full wildlife survey has not been submitted with the planning application
- Additional traffic could cause subsidence to nearby listed buildings
- Additional noise
- Light pollution
- Preference should not be given to traditionally itinerant minority groups
- Site is unsuitable as it is surrounded by working farmland and close to private homes
- Danger to small children from increased traffic
- If this application is approved, there seems to be little point in any type of planning restrictions at all
- Approving application may jeopardise a largely successful breeding programme of the Large Blue butterfly
- Applicant has not tried to integrate with the local community
- Increased surface water run-off from site
- Comparisons made with Turners Field appeal
- Applicant only purchased land recently
- The applicant has no connection with the village
- This application is for a permanent residence - if the applicant wishes to cease being part of the travelling community then an application for a council house would be more appropriate
- Application could open the floodgates for development outside the village boundary
- Strict planning rules have applied to others in the locality in the past
- The proposal does not bring any benefit to the wider community
- Hedge to right of site is not owned by applicant
- Access rights to the field are agricultural only
- Proposed waste collection point would have a detrimental impact upon the recreational activities of others. Would the applicant be made to pay for waste collection services?

- There are few opportunities for employment in the village
- Proposal will impact upon views to and from Hood Monument
- If the site is approved careful consideration should be given to the wording of any conditions so that any breaches can be enforced immediately

CONSIDERATIONS

Principle

Whilst policy ST3 of the Local Plan normally precludes residential development in the open countryside, policy HG11 is one of a small number of exceptions to address the specific needs of defined sections of the population, which in this case is gypsies and travellers.

Policy HG11 states:

Proposals for residential/long term sites will be permitted outside of area of open land where development is severely restricted, such as AONBs and SSSIs provided that:

1. *Vehicle movements, noise, fumes or any subsidiary business activities would not harm the residential amenities of neighbouring dwellings or the character of the area.*
2. *The site is reasonably well related to schools and other community facilities.*
3. *No serious highway problem would result.*
4. *The site includes the following facilities:*
 - *A refuse collection point.*
 - *Access to a drinking water supply.*
 - *A satisfactory means of sewage disposal/management and surface water disposal.*
 - *Hardstanding for living vehicles and ancillary parking spaces.*
 - *A defined safe play area for children.*

The key issues are whether the proposal complies with policy HG11 without introducing significant concerns in terms of landscape impact or other site specific considerations such as impact on landscape character, rights of way and so on.

Compliance with Policy HG11

The aim of policy HG11 is to facilitate the provision of sites for genuine gypsies and travellers to meet an identified need. The most recent GTAA demonstrated a need for 18 pitches between 2010 and 2020. This evidence is not disputed and whilst some pitches have been approved since then, there is still unmet need, as evidenced by the continued submission of applications for gypsy and traveller sites.

The emerging Local Plan recognises that there may be a need to allocate sites should a five year land supply not be identified. However at this stage it is proposed to respond to sites brought forward by the gypsy and travelling community, or others, on a case by case basis.

Any site accepted under policy HG11 must be for the purposes of occupation by bona fide gypsies and travellers as defined in Annexe 1 of Planning policy for traveller sites (March 2012). This application is submitted by an agent who is a representative of the Romany Gypsy Advisory Group, on behalf of the applicant. The agent has confirmed that the applicant and his family are Romany gypsies, and in the event of planning permission being granted, a condition can be used to restrict the occupation of the site to persons with gypsy or traveller status. Accordingly it is considered that this proposal would meet an identified need for a gypsy/traveller site.

While the site is located close to a SSSI, it is classified as falling outside of the SSSI or an AONB, and hence it is appropriate for the application to be assessed against the requirements of policy HG11 as follows:

1. The site is located well away from nearby residential properties, and hence the potential for harm to residential amenity is extremely limited, particularly as no subsidiary business activity is proposed at the site.

Concern has been raised that the increase in traffic along Compton Street to reach Middle Way will cause disturbance to residential amenity and potentially harm listed buildings which do not have any foundations. However, these roads are adopted highways where large vehicles, including agricultural vehicles, have a right of access which cannot be controlled. On this basis it would be unreasonable for the LPA to object to the proposal on these grounds.

2. While Compton Dundon has limited community facilities available, the settlement still has a defined development area and therefore is currently still accepted as being a settlement that is capable of accommodating residential growth. Much has been made in various objections received to the fact that Compton Dundon no longer has a school and has only very limited local facilities. However, Somerton is approximately 4 miles from the site and Street is just over two miles away. These larger settlements have a number of local facilities, including schools and are considered to be reasonable distances for a person/family to travel. This stance is supported by appeal decisions and other planning decisions for gypsy sites within the district.
3. The concerns of the Highway Authority are acknowledged, however in this instance they are not considered to be supportable for a number of reasons. The very point of policy HG11 is to provide an exception to the restrictive planning policy that normally applies in the open countryside. Provision is also made within Planning policy for traveller sites (March 2012) for gypsy sites in the rural areas. Given the location of the site outside of the defined development area, it is anticipated that the applicant is likely to be reliant on the car as a principle mode of transport. This is generally thought to be an acceptable situation and is supported by appeal decisions relating to gypsy sites.

The LPA accepts that the approach roads are of a substandard nature, but on the basis that they are all adopted highways, and also capable of accommodating a high level of agricultural traffic, it is not considered that the standard of the approach roads is so poor that they would not be able to accommodate the increase in traffic generated by one additional residential unit in this location.

As it is accepted that inhabitants of the site would be reliant on a car, the argument used by the Highway Authority over the unsuitability of the road between Street and Somerton for pedestrians is accorded very limited weight by the LPA.

The access improvements onto the site proposed by the Highway Authority are considered to be disproportionate to the needs of the development. As is stated by the Highway Authority themselves, the existing access into the field can be used at any time for agricultural purposes, which could include large vehicles, towing vehicles and no limit on the amount of traffic accessing the site. On the basis this application is for one residential unit, which is accessed of an adopted road that is extremely lightly trafficked, it is not considered reasonable or proportionate for the access alterations suggested by the Highway Authority to be put in place. Accordingly, these

improvements are not sought by the LPA.

4. The proposal includes a refuse point, septic tank and soakaway provision. It is anticipated that these drainage aspects are acceptable in principle as no objection has been raised by the Area Engineer and further details relating to the drainage proposal can be conditioned. The agent has confirmed that the applicant is willing to fund the connection required to Wessex Water infrastructure to provide a water supply to the site, which can be conditioned. Hardstanding and a defined safe play area for children are indicated on the submitted plans. While concern has been raised that too much hardstanding is provided on site, the LPA considers the hardstanding indicated on the submitted plans is acceptable given the need for turning areas within the site.

On the basis of the above it is considered the proposal complies with Policy HG11 of the Local Plan, and now consideration to the remaining key issues.

Landscape Character/Visual Impact

Several local residents and the parish Council have objected to the proposal on the basis that it would not be in keeping with the landscape character of the area and would be highly visible from several public and prominent vantage points, and hence would harm the visual amenity of the area. The consultation response of the Landscape Architect has been summarised above, and the full comments are available on the public file. The consultation response goes into some detail, reflecting on the landscape character of the area, the sensitivity of the site and views to the site from the surrounding areas. In summary the Landscape Architect does offer grounds for landscape objection to the proposal, however he also states that this objection is not a heavily weighted one. He goes on to state that if the site is considered suitable in meeting the district wide need for pitches for the gypsy and travelling community, the landscape objection is not of such weight as to override that need. This is stated on the proviso that an acceptable level of mitigation can be achieved, and means of achieving this is included within the consultation response. Such measures include the finish of the mobile home and day room in darker muted tones, screening of the touring caravan with willow hurdles, planting of new hedgerows to improve the enclosure and screening of the site and planting of orchard trees in the paddock to add to the screening potential. These suggestions are all considered to be reasonable and would go a long way in providing landscape mitigation from significant public vantage points, and could be secured by condition.

Rights of Way

The Rights of Way Officer has requested that if the development is approved, then an agreement should be made with the applicant to provide an extension to the Church Path footpath, in the form of blue lias flagstones along the stretch of Middle Way from Trays Farm to the application site. In practical terms this is not considered to be possible given that the stretch of Middle Way referred to is an adopted highway where vehicular traffic has a right of way. This would have implications for the Highway Authority, who are responsible for the maintenance of the adopted highway, and would not want the responsibility of maintaining such an unsuitable surface along the adopted highway. It is also questionable whether the safety audit team at the Highway Authority would be willing to allow such a surface along the adopted highway in the first instance. As an aside, there have been several schemes for single residential units within Compton Dundon, and none of these schemes have been required to provide contributions towards such a scheme. On this basis it is not considered reasonable to expect the applicant to provide such a surface along Middle Way, when other developments have not been required to do so within the parish of Compton Dundon, and when it is unlikely the Highway Authority, who are responsible for the condition of Middle Way, are unlikely

to enter into a legal agreement requiring such footpath works.

Ecology

The Council's Ecologist has confirmed that the development proposal is unlikely to detrimentally impact upon butterfly habitats in the area, and has recommended conditions to ensure the provision of a replacement nesting/roosting site for barn owls, following the loss of the field shelter currently on site as well as a pre-development survey to ensure that the timing of any works does not interfere with the nesting season.

Other Issues

A number of concerns have been raised by local residents, several of which are not considered to be material planning considerations, for example, the potential for occupiers of the site to own dogs that are out of control, depreciation of nearby property prices, the applicant has not integrated with the local community and the applicant has only purchased the land recently. None of these issues are material considerations.

Concern has also been raised locally that strict planning rules apply to everyone else in this location. The fact is that exemption policy exists that makes allowances for a small number of circumstances, thereby meaning the principle of some development in the countryside, subject to set criteria, is acceptable. These exemption policies include allowances for gypsy and traveller site, and this policy cannot be ignored.

Objection has been raised on the basis that the applicant does not have a local connection to the area and no special health or education needs have been put forward to justify the proposal. Planning policy while supportive of such connections does not require these criteria to be met in order to satisfy gypsy and traveller policy requirements and hence the LPA has no power to insist that these criteria are met.

The opinion is offered in some letters of objection that if the applicant wishes to settle on a permanent site, he should live in a normal dwelling. Planning policy recognises that some gypsies and travellers cease to travel temporarily or permanently for several reasons, such as their families educational or health needs, however their entitlement to live on a gypsy/traveller site remains and they should not be forced into conventional residential accommodation.

Concern has been raised that a sustainability appraisal has not been submitted with the application. This is not a requirement set out by the LPA, and consideration to the location in terms of its sustainability has been given above.

A number of letters express concern that if approved the site will grow to such an extent, that several comparisons have been made to the Dale Farm site. This application is applying for one pitch only, and accordingly the proposal must be considered on this basis. Conditions can be used to restrict the usage of the site and the number of structures and pitches on the site.

While a number of errors have been made on the submitted design and access statement and application form, the officer is aware of the availability of local facilities and site condition and this combined with the information submitted is considered adequate to determine the application.

Concern has been raised that the proposal will cause light pollution. It is considered reasonable to condition the lighting at the site, to minimise the potential for light pollution from the site.

Finally comparisons are made with a dismissed appeal decision for residential

accommodation at nearby Turners Field. That application attempted to justify a mobile home on the basis of a functional need for a worker to live on site to serve the needs of the horticultural, 'permaculture' holding. The decision at Turners Field was that there was no overriding need for someone to live on site. The proposal before us now seeks planning permission for a mobile home for a gypsy and hence completely different planning policy is used to assess this application, with different requirements to justify the development.

Conclusion

This proposal has obviously attracted a large amount of opposition. However, the district currently has an unmet need for gypsy and traveller site pitches, and therefore there is a strong presumption in favour of such sites where the requirements of policy HG11 can be met. As has been set out above, the proposal meets the criteria set out in policy HG11 and other relevant planning policy, and accordingly the proposal is considered to be acceptable.

RECOMMENDATION

Permission be granted

JUSTIFICATION

Notwithstanding the local concerns raised, it is considered that the development would provide a gypsy/traveller pitch which would contribute towards a currently unmet need within the district. Any impacts upon visual amenity, landscape character or highway safety would not warrant a refusal in this circumstance, and the impact upon residential amenity and local ecology would be minimal. Accordingly the proposal is considered to be in line with policies ST5, ST6, EC3, EC8, EP3, TP6 and HG11 of the South Somerset Local Plan, Policies 36 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, Chapters 4, 6, 7 and 11 of the National Planning Policy Framework and Planning Policy for traveller sites.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

02. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the mobile home and utility/day room hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority. The external treatment of the day room and mobile home should be with dark timber or dark render, with muted roof tones to play down their appearance.

Reason: To protect the character and appearance of the area in accordance with Policy EC3 of the South Somerset Local Plan.

03. Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme should also include the erection of willow fencing to provide a screened area for the touring caravan, new hedgerows trackside and along the paddock boundary and planting of orchard trees in the paddock. The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with South Somerset Local Plan Policy EC3.

04. The site shall not be occupied by any other persons other than gypsies and travellers as defined in Annex 1 of Planning policy for traveller sites.

Reason: In accordance with Policy HG11 of the South Somerset Local Plan and Planning policy for traveller sites.

05. No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time.

Reason: In the interests of protecting the visual amenity and landscape character of the area, and in order to determine the scope of this permission, in accordance with Policies ST5, ST6 and EC3 of the South Somerset Local Plan.

06. The access into the site hereby approved shall be provided prior to the occupation of the site and shall be surfaced with tarmac, in accordance with the submitted details, and thereafter be maintained as such.

Reason: In the interests of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

07. No commercial activities shall take place on the land other than in connection with the agricultural use of the land, including the storage of materials, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

Reason: In the interests of local amenity in accordance with Policies ST5, ST6 and EC3 of the South Somerset Local Plan.

08. Prior to the commencement of any development on site, details relating to the surface water disposal and septic tank installation shall be submitted to and approved in writing by the Local Planning Authority. Such details must include location of the septic tank and soakaway(s), and percolation test results relating to the suitability of soakaways proposed. The drainage systems shall be installed prior to the occupation of the site and maintained thereafter in accordance with the approved details.

Reason: In the interests of local amenity and highway safety, in accordance with Policy ST5 of the South Somerset Local Plan.

09. Prior to the commencement of any development, full details of a replacement barn owl roosting and nesting structure, including siting, height, aspect and design, shall be submitted to and approved in writing by the Local Planning Authority. The replacement roost should be constructed/erected at least 30 days prior to demolition of the horse shelter and at least 30 days prior to the commencement of the development.

Reason: In order to provide continuity of roosting opportunity for barn owls at the site, in accordance with Policy EC8 of the South Somerset Local Plan.

10. No building and construction work shall be commenced within the period 1st March to 31st August unless evidence from a professional ecological consultant has been provided to the Local Planning Authority that no birds are nesting (within the old horse/field shelter) immediately prior to work commencing.

Reason: To ensure that nesting barn owls are not disturbed by development works, in accordance with Section 25 (1) of the Wildlife and Countryside Act 1981.

11. Prior to the installation of any works on site, details of the entrance gate to be erected at the site shall be submitted to and approved in writing by the Local Planning Authority. The gate shall be of agricultural design and appearance.

Reason: In the interests of the visual amenity of the area, in accordance with Policy ST6 of the South Somerset Local Plan.

12. With the exception of the structures shown on the approved plans, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure shall be erected on the site without the express grant of planning permission.

Reason: In the interests of local amenity, in accordance with Policy ST6 of the South Somerset Local Plan.

13. Prior to the commencement of any development on site, a scheme for any proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. Once approved, there shall be no further external lighting erected at the site.

Reason: In the interests of the landscape character of the area, in accordance with Policy EP3 of the South Somerset Local Plan.

14. Prior to the occupation of the site drinking water shall be supplied to the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In accordance with the requirements of Policy HG11 of the South Somerset Local Plan.

15. The development hereby permitted shall be carried out in accordance with the following approved plans: 1181/04, DAY ROOM, 0914/03, 1181/01B, 1181/05, 08239/04.

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

Informatives:

01. A pole mounted, purpose built barn owl box located towards the rear of the paddock is likely to be an appropriate replacement in this case.
 02. Nesting is most likely to happen between 1st March and 31st August. However, nesting could occur outside of this period, and the Wildlife and Countryside Act makes it an offence to disturb a nesting wild bird whatever the time of year.
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