

36/21/0012

MR P TILLEN

Erection of extension to summerhouse for use as welfare facilities for harvesting and christmas tree farm on land at the Pump House, Curload Road, Curload, Stoke St Gregory (part retention of works already undertaken)

Location: PUMP HOUSE, CURLOAD ROAD, CURLOAD STOKE ST
GREGORY, TAUNTON

Grid Reference: 334055.128033 Retention of Building/Works etc.

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. 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).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A2) DrNo SH Rev 1 Existing Summer House
(A2) DrNo WF Rev 2 Proposed Summer House Elevations
(A2) DrNo WF Rev 2 Proposed Summer House Floor Plan
(A4) Location Plan
(A1) Site Plan

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

3. The building hereby permitted shall be used as welfare facilities during daytime for any workers on site only and for no other purpose.

Reason: To ensure the use of the building is appropriate to this rural location in line with Core Strategy policy DM2.

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The applicant is advised that, prior to works commencing on site, Land Drainage Consent is required under section 23 and 66 of the Land Drainage Act 1991 from the Internal Drainage Board for any construction in, or within, 9m of a watercourse and for the introduction of additional flow into a watercourse in the Board's District (or from the Environment Agency for an EA Main River).

Proposal

The proposal is to extend a timber summer house building for agricultural welfare purposes given the existing and intended use of the site. The building will be around 24sqm (approximately 6m x 4m) and 2.6m high to the apex.

Site Description

The site is small holding of 2ha on the eastern side of the road through Curload and has an established vineyard on the site.

Relevant Planning History

None

Consultation Responses

STOKE ST GREGORY PARISH COUNCIL - While Stoke St Gregory Parish Council commends the initiative being taken to enhance this site, we object to the application on the grounds that:

1. The use of a cesspit to dispose of effluent in a flood risk area adjacent to a water course is not acceptable
2. There is restricted and limited vehicular access on a section of the road with limited visibility and no splay.
3. The use of the proposed welfare facility will be limited and seasonal. If welfare facilities are required for certain periods of the year, then provision of portable facilities is a better option and eliminates the question around the cesspit.
4. Consideration should be giving to purpose-built facilities rather than an adapted structure, located more appropriately on the site"

SCC - *ECOLOGY* - I have no comments / objections regarding the proposed

existing summerhouse and extension for work facilities.

The application site is however located within the Somerset Levels and Moors Ramsar catchment. Before I assess whether evidence for nutrient neutrality is required with regards to phosphate, can the applicant provide clarification on how effluent removal will be managed?

Furthermore, I would advise a preliminary ecological appraisal is undertaken on the site. The planting of 2000 non-native coniferous trees that will be regularly managed / felled. I am unable to assess whether this planting will have any adverse impacts to the existing habitats and potential presence of protected species. The PEA will also be able to advise the applicant on where biodiversity enhancements can be achieved. The PEA should be undertaken in accordance with nationally recognised guidelines (BS 42020:2013 Biodiversity - Code of practice for planning and development and CIEEMs Guidelines for Preliminary Ecological Appraisal 2017, with the Ecologist being a member of the Chartered Institute for Ecology and Environmental Management (CIEEM).

Updated comment - . Due to the seasonality of usage and commercial aspect, this application can be screened out for increased phosphate loading to Somerset Levels and Moors Ramsar.

My original comment regarding the need for a PEA still stands

SCC - TRANSPORT DEVELOPMENT GROUP - Refer to standing advice.

WESSEX WATER - No comment received.

ENVIRONMENT AGENCY - No comment received.

SOMERSET DRAINAGE BOARDS CONSORTIUM - The Internal Drainage Board will not be making site specific comments on this application at this stage.

If the proposals are in accordance with the standing advice available on our website: <https://somersetdrainageboards.gov.uk/development-control-byelaws/> then the Board has no objection to the proposals.

The Board would request that the following informative is added to any permission that is granted:

Informative: The applicant is advised that, prior to works commencing on site, Land Drainage Consent is required under section 23 and 66 of the Land Drainage Act 1991 from the Internal Drainage Board for any construction in, or within, 9m of a watercourse and for the introduction of additional flow into a watercourse in the Board's District (or from the Environment Agency for an EA Main River).

LEAD LOCAL FLOOD AUTHORITY - The applicant should ensure that there is sufficient drainage arrangements for the use of the site.

PLANNING ENFORCEMENT - No comment.

Habitats Regulations Assessment

Not required as this is a minor existing commercial use which can be screened out for increased phosphate loading requiring a HRA.

Representations Received

6 objections on the basis of

- traffic increase and conflict associated with a Christmas tree farm,

- access is dangerous,
- unacceptable visual and environmental impact,
- use as a summerhouse not welfare use,
- welfare facility not needed permanently,
- potential overnight accommodation and
- pollution.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

CP1 - Climate change,
 CP8 - Environment,
 DM1 - General requirements,
 DM2 - Development in the countryside,
 DM4 - Design,
 SP4 - Realising the vision for rural areas,
 I4 - Water infrastructure,

Districtwide Design Guide

Local finance considerations

Community Infrastructure Levy

N/a

Determining issues and considerations

The main issues here are the need for welfare facilities on site given the nature of the seasonal use and if so whether the timber structure, toilet and cesspit are appropriate in a flood risk area.

The site is 5.42 acres with a vineyard, amenity pasture and 1 acre of willow woodland. The vineyard is productive and produces on average 1300 bottles of wine per year. The vineyard has been in existence over 20 years. The applicant intends to plant around 200 Christmas trees on the pastureland and another 20 fruit trees this year. A bee apiary are proposed next year together with wildflower planting.

It is understood that there is a need for an element of welfare facilities on site for the limited seasonal use. This would appear to have been provided by the former owner in the form of the timber structure that was already on site. It would appear that historically there has been a structure there for sometime and it is unclear as to whether this would be immune from enforcement action. The use of a facility on site would limit off site travel and would be beneficial in terms of climate change in accordance with Core Strategy policy CP1. The current application stems from an extension on to the rear of this building effectively doubling the size to around 24sqm. The applicant claims there is a need for a structure on site as the provision of a temporary facility in the form of a caravan that can be towed on and off the site when required would not be appropriate given the nature of the site access. If the applicant establishes their business and starts employing temporary workers then that strengthens the need for a more permanent structure and it is claimed that this will be the case.

The site lies within an area of flood risk and the current cesspit is unauthorised and is advised against in flood risk areas by Building Control. With this in mind the applicant has amended the development to delete the cesspit and just provide a chemical toilet. There is no comment from Wessex Water as the site does not have mains drainage and the development is too small for the Environment Agency to comment. The Lead Local Flood Authority has commented and raised no objection and the use of chemical toilet facilities that would be disposed of off site is considered an acceptable approach given the limited seasonal usage and would not contravene Somerset Drainage Boards requirements. Consequently the revised drainage proposals are considered acceptable and address the Parish Council concerns. The County Ecologist has also advised that the development would not create a phosphate increase that would require a HRA. A Preliminary Ecological Appraisal (PEA) has been requested by the Ecologist in relation to the site as a whole, however the development only relates to the extension to the proposed welfare building and does not relate to other issues such as Christmas tree planting which does not require planning permission. It is therefore considered unreasonable to require a PEA in this instance.

The proposed structure is fairly well screened within the field and is not considered to cause harm to the landscape or visual amenity of the area. Consequently setting aside the need issue it is not considered the development could be refused on landscape impact grounds. There are not considered to be any adverse impact on residential amenity from the scheme. The application is for the welfare structure on site and not for the planting of Christmas trees or any other agricultural development which does not require planning permission. Consequently the state of the existing access for agricultural workers using the site is not a reason to refuse a seasonal welfare facility. The access is existing and is not being modified.

Concern has also been raised over the use of the site not being for welfare purposes. I am satisfied there is a welfare need, if only seasonal. There is no indication that the applicant would use it for other uses and to safeguard the situation a condition with regard to the use and no overnight usage could be imposed as a condition to prevent overnight accommodation.

In summary the provision of a welfare facility on site is considered to be an acceptable one in principle and in line with policy DM2. The development is not

considered to cause any harm to the landscape, residential amenity, drainage or wildlife and is recommended for approval.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Contact Officer: Mr G Clifford