

Application Details	
Application Reference Number:	19/22/0021
Application Type:	Full Planning Permission
Earliest decision date:	30 September 2022
Expiry Date	31 October 2022
Extension of time	
Decision Level	Committee
Description:	Erection of 1 No. self-build, sustainable, carbon neutral dwelling with associated works on land adjacent to The Meadows, Hatch Green, Hatch Beauchamp
Site Address:	LAND ADJACENT TO THE MEADOWS, HATCH GREEN, HATCH BEAUCHAMP, TA3 6TL
Parish:	19
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	No
Case Officer:	Mr G Clifford
Agent:	
Applicant:	MR J MARKS
Committee Date:	
Reason for reporting application to Committee	Meets the delegation trigger for numbers of comments contrary to officer recommendation

1. Recommendation

1.1 That permission be REFUSED.

2. Executive Summary of key reasons for recommendation

2.1 The site lies outside of settlement limits in a rural location away from services and while the property is designed to be carbon neutral and claimed as a self-build, it is not considered that these matters outweigh the unsustainable location and landscape harm.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

Refusal

3.2 Informatives (bullet point only)

3.2.1 Proactive Statement

3.3 Obligations

None

4. Proposed development, site and surroundings

4.1 Details of proposal

The proposal is for a single detached two storey dwelling with a large double garage. The accommodation includes a kitchen/dining area on the ground floor together with a utility, pantry, study, plant room, toilet, play room and living room while upstairs there are 5 double bedrooms, 3 ensuites, a family bathroom, hall and porch as the site is split level and partly set into the ground.

4.2 Sites and surroundings

The site is currently an agricultural field set to grass bounded by native hedges and slopes gently south towards a stream. The site is located on land outside of the settlement limit south of the village centre around 400m from the edge of the village.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
19/20/0008	Application for Outline Planning with all matters reserved for the erection of 1 No. dwelling on land to the south of Mill Lane, Hatch Beauchamp	Refused	22/3/21

6. Environmental Impact Assessment

Not required

7. Habitats Regulations Assessment

The site lies within the catchment area of the Somerset Levels and Moors and the development will result in the erection of a dwelling which has the potential to have an additional phosphate impact. The applicant has submitted a nutrient neutrality assessment and a mitigation strategy and proposes the use of a package treatment plant and tree planting. If the solution were considered acceptable the development would require a legal agreement to secure the maintenance of the treatment plant and the proposed planting in perpetuity.

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 06 September 2022

8.2 Date of revised consultation (if applicable):

8.3 Press Date:

8.4 Site Notice Date: 20 September 2022

8.5 **Statutory Consultees** the following were consulted:

Consultee	Comment	Officer Comment
HATCH BEAU CHAMP PARISH COUNCIL	A narrow majority were sympathetic to this application.	
SCC - ECOLOGY	Recommend conditions re bird protection, bat lighting, reptile protection, biodiversity enhancement and badger informative.	See paragraph 10.1.8
SCC - TRANSPORT DEVELOPMENT GROUP	Refer to Standing advice	Paragraph 10.1.4
WESSEX WATER	There are no recorded public sewers or water mains within the red line boundary. The Planning Authority will have to be satisfied with your package treatment plant arrangements that will be subject to Building Regulations.	Paragraph 10.1.10
LANDSCAPE	Object as permitting would erode the rural character and undeveloped quality of the landscape and so conflict with policy CP8.	Paragraph 10.1.7
ENVIRONMENT AGENCY	No comments received.	Paragraph 10.1.10
PLANNING POLICY	While custom and self-build housing are an important part of the housing mix matter on housing development should be considered in the wider context of sustainable development and against development plan policies.	Paragraph 10.1.11

	<p>Since monitoring began the LPA has granted more permissions than the need indicated by the Register. Hatch Green is not a sustainable location under policy SP1 because of remoteness from services and facilities. It does not meet policy DM2 as it is not affordable housing where it can be demonstrated that this cannot be accommodated within the nearest rural centre.</p> <p>There is limited public transport in the vicinity, and it would be unlikely to comply with criteria one of accessing services and facilities by public transport in adopted policy A5. Occupants of the development would therefore be reliant on the private car to access employment, services and facilities.</p> <p>Development on unallocated greenfield land outside settlement boundaries is strictly controlled to conserve the environmental assets and open character of the area. Criteria in Policy CP8 Environment of the adopted Taunton Deane Core Strategy conserves and enhances the natural and historic environment, it sets out circumstances where development may be permitted outside settlement limits.</p>	Paragraph 10.1.1
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8.6 **Internal Consultees** the following were consulted:

Consultee	Comment	Officer comment

8.7 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

9 letters have been received making the following comments (summarised):

Material Planning Considerations	
4 Objections	Officer Comment
Precedent for areas outside village boundary	Paragraph 10.1.11
Greenfield outside village envelope	Paragraph 10.1.1
Not sustainable	Paragraph 10.1.1 and 10.1.10
Needed productive agricultural land	
No house needed for agricultural worker and there have been houses for sale in the village	Paragraph 10.1.1
Not an affordable dwelling and not a Rural Exceptions site	Paragraph 10.1.1
Not eco friendly and near to river	Paragraph 10.1.10
Contrary to policies SP1, CP1, CP8, DM1, DM2 and SADMP H1a	Paragraph 10.1.1 and 10.1.5
5 Support	Officer comment
Sympathetic to the area	
No negative impact	Paragraph 10.1.5 and 10.1.7
Environmental benefits and improved biodiversity	Paragraph 10.1.8
Commute will be zero emissions	Paragraph 10.1.1

8.7.1 Summary of support - non planning matters

Family an asset to the village and provide local employment

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day

Relevant policies of the development plan in the assessment of this application are listed below:

Core Strategy

- SD1 - Presumption in favour of sustainable development,
- SP1 - Sustainable development locations,
- CP1 - Climate change,
- CP4 - Housing,
- CP6 - Transport and accessibility,
- CP8 - Environment,
- DM1 - General requirements,
- DM2 - Development in the countryside,
- DM4 - Design,
- DM5 - Use of resources and sustainable design,

Site Allocations and Development Management Plan

- SB1 - Settlement Boundaries,
- A1 - Parking Requirements,
- A5 - Accessibility of development,
- D7 - Design quality,
- ENV1 - Protection of trees, woodland, orchards and hedgerows,
- ENV2 - Tree planting within new developments,
- I4 - Water infrastructure,

Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022).

Neighbourhood plans:

N/a

9.1 National Planning Policy Framework

Sections 2, 4, 5, 6, 14 and 15

10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

10.1.1 The principle of development

The applicant claims this development to be a scheme that seeks one dwelling as affordable homes via the Rural Exceptions site policy and which will remain affordable in perpetuity. However while the rural exception site policy allows for local planning authorities to grant permission for affordable housing on land not normally used for housing, such an exception still has to be considered in light of other issues such as site, scale and design as well as other planning policies.

Affordable housing is defined in Annex 2 of the NPPF and this defines affordable housing as a) that available for rent, b) starter homes, c) discounted market sales housing and d) other affordable routes to home ownership, such as shared ownership, low cost for sale or rent to buy. These affordable requirements do not extend to a large detached self-build new dwelling. The design and scale of the proposal with 5 double bedrooms is not considered an affordable unit that could be controlled for occupation by a local person in need in the future and so it is not considered to be a suitable development that outweighs the unsustainable location in the countryside.

The site lies outside of the boundaries of a settlement identified in Core Strategy policy SP1 and in terms of Settlement Boundaries, policy SB1 within the Site Allocations and Development Management Plan (SADMP) applies and development has to be assessed against Core Strategy policies CP1, CP8 and DM2. The justification for this policy is that the Framework recognises the importance of protecting and enhancing the natural environment. The policy also assists in meeting other core principles such as shaping patterns of development to reduce the need to travel, reducing pollution and CO2 emissions.

Policy DM2 of the Core Strategy sets out forms of development outside of settlement limits that will be supported. This includes affordable housing, however as set out above it is not considered the development is affordable. The development is not considered to fall into any other category and is not supported by this policy. Policy CP1 relates to Climate Change and sets out a number of criteria by which climate change has been assessed by. Criterion a) refers to reducing the need to travel through locational decisions. The applicant claims that his travel will be reduced as his employment is in the village and not where he currently lives. While this may be the case the new dwelling would be permanent and is outside of the settlement in a location that would be reliant on the private car for the majority of services. This is a key issue as to whether this is an appropriate location for residential use having regard to planning policies and guidance surrounding the accessibility of services.

The site is outside of any settlement containing basic services required to meet day to day needs. The characteristics of the nearby roads required to reach those destinations are likely to discourage pedestrians and cyclists resulting in a reliance on the private car. It has been established that bus ridership falls off substantially where distance to walk to bus stops exceeds 300-400m. Given that bus frequencies are relatively low in the district compared to larger urban centres, it is important that walking distances to bus stops are short and walking and waiting conditions are attractive to bus users.

The NPPF promotes limiting the need to travel and offering a genuine choice of transport modes. This is not the case here where public transport is limited and walking and cycling opportunities limited by factors such as the nature of the rural lanes and distances involved. The proposal is not considered to comply with the Framework when considered as a whole and it is not considered to comply with policy A5 of the SADMP. Locationally the site is not considered a sustainable location and it is not considered that the development would reduce the need to travel for the lifetime of the dwelling. The applicant may have a reduced commute to work than at present and may decide not to take a vehicle to work, however the latter cannot be controlled and the impact of the long term occupation of the dwelling has to be considered not just the current applicant.

Policy CP8 relates to the Environment and seeks to 'conserve and enhance the natural and historic environment and will not permit development proposals that will harm these interests or the settings of the towns and rural centres unless other material factors are sufficient to override their importance'. It goes on to state that 'Unallocated greenfield land outside of settlement boundaries will be protected and where possible enhanced. Development within such areas will be strictly controlled in order to conserve the environmental assets and open character of the area.' The development will adversely impact on the open rural character of the area and is not considered to comply with CP8 and members have to consider whether there are other material factors to override the importance of protecting the character of the area.

Policy H1a is also quoted by an objector and this policy relates to Permanent housing for rural workers. The applicant however is not claiming to be a rural worker

with a functional need to live on the site and so this is not considered relevant to the development proposed.

10.1.2 Design of the proposal

The proposal is for a modern split level house over two floors and is set back around 100m from the road frontage. The concept is to develop a barn like form set behind a blue lias stone wall and a hedge to the south west. The dwelling is two storey and is to be set into the ground by around 1.3m utilising some of the fall across the site. There is a break between the dwelling and garage and a courtyard is formed with the continuation of the stone wall. The two storey building is proposed to have a zinc standing seam roof over vertical composite cladding and off white render below. In addition, a blue lias wall is proposed to the north. While the contemporary approach to design is not objected to in principle the provision of four external materials here is considered excessive.

10.1.3 Quality of Accommodation

The accommodation meets the requirements of size in terms of space and amenity in policies D10 and D12 of the Site Allocations and Development Management Plan.

10.1.4 Access, Highway Safety and Parking Provision

The proposal envisages an access utilising a modified agricultural access that already serves the field. It will involve hedge cutting and replanting to achieve the 43m splay. A new gravel drive will extend along the field boundaries to the north and east for around 180m before ending in a turning head and access to the garage. Adequate parking and turning are provided within the site in compliance with policy A1 and an EV charging point is provided within the garage. The Highway Authority refer to standing advice and the provision of a dwelling here is not considered to give rise to highway safety or parking issues. Suitable conditions could be imposed if other matters were considered acceptable.

10.1.5 The impact on the character and appearance of the locality

The proposed dwelling will be set back behind a stone wall some 100m from the road and will appear as a development in the middle of a field. While the building is set down and there is intended to be orchard planting in front to help screen it, it will still appear as an incongruous form of development in the middle of a field out of keeping with the vernacular form of development in the area and as such is considered contrary to policy DM1d of the Core Strategy which seeks to prevent harm to the appearance and character of any affected landscape, settlement, building or street scene.

10.1.6 The impact on neighbouring residential amenity

The proposal is not considered to have a significant adverse impact on the residential amenity of nearby properties.

10.1.7 The impact on trees and landscaping

The proposal is located within a large field and will have no adverse impact on existing trees. It would result in the realignment of the hedge at the access point to achieve the necessary visibility. It integrates well with the topography of the site and being set into the land with orchard planting in front, it will have limited landscape

impact from the road. However the site, as identified by the Landscape Officer, will add to the fragmentation of the open undeveloped agricultural landscape. The largely glazed southern elevation and domestic curtilage to the south would be open to views from the public right of way T14/9 to the south.

10.1.8 The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site.

An ecological survey was submitted with the application, however no protected species were considered to be affected by the development, although recommendations were made in terms of a badger informative and mitigation of lighting to protect bats and a condition to protect reptiles. Enhancements were also proposed and a condition to control/ensure provision of these (bat and bird boxes, native planting, invertebrate hotel and log piles) was suggested. The County Ecologist has confirmed there is no objection subject to the conditions re bird and reptile protection, a bat lighting condition badger informative and condition concerning enhancements. These could be imposed if other matters were to be acceptable.

The development provides an additional dwelling in the Levels and Moors catchment and a legal agreement would be required to secure the necessary phosphate mitigation. This would need to be addressed if the application were permission to be granted

10.1.9 Waste/Recycling facilities

There is adequate space for waste and recycling facilities provided for within the building.

10.1.10 Flood risk and energy efficiency

The site incorporates a large field which straddles the flood risk zones. The dwelling is sited within zone 1 and is not considered to increase flood risk and the Environment Agency has raised no comment. The site lies outside of an area of mains drainage and a package treatment plant is proposed. This lies within zone 3 and is at potential risk and the treatment plant would need to be agreed under the Building Regulations. The project aims to be highly sustainable through its orientation on site, use of a carbon neutral biomass heating system, integrated fuel storage, a highly insulated envelope and adoption of solar gain principles. The garage will house the biomass boiler and associated heat store. While the dwelling is seeking to be zero carbon it still lies in an unsustainable location.

10.1.11 Any other matters

It is noted that the applicant has applied for a self-build property and is registered on the Self Build Register with the Local Authority. Since monitoring began the LPA has granted more permissions than the need indicated by the Register. The applicant puts significant weight on a Three Dragons report on Self and Custom Housebuilding which identifies potential demand of 84 plots per annum. However, it also recognises the current level of supply may therefore be similar to the demand identified on the register. It is noted that the Local Planning Authority does not have a specific policy relating to self-build development. However, it is recognised that the Council has met the identified need on the register with plot permissions. It is not considered the

appeals quoted are comparable to this scheme. Any new self-build development should be well related to existing settlements and in sustainable locations. In this case the proposal would not meet such aspirations, could set a precedent if allowed, and fails to comply with local plan policies as detailed previously and it is not considered that the potential demand identified warrants an exception to policy as proposed.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Creation of a dwelling is CIL liable regardless of size.

This proposed development measures approximately 300 sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £37,500.00. With index linking this increases to approximately £53,000.00.

12 Planning balance and conclusion

The site is outside of a settlement in an unsustainable location contrary to policies CP1a and SP1 of the Core Strategy and SB1 of the SADMP and is not considered affordable in terms of an exception site. The introduction of a building here would erode the open rural character of the area and would create a form of development out of keeping with the rural pattern of development contrary to policies CP8 and DM1d and would have a harmful effect on the character and appearance of the rural area and fail to complement the environment and character of the existing settlement.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is refused.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning conditions and Informatives/ Reason/s for refusal

- 1 The site is lies in a rural location outside settlement limits where the form of the development set back from the road would be out of keeping with existing character of rural dwellings and would erode the rural character and undeveloped quality of the landscape contrary to policy CP8 and the proposal to allow a permanent residential dwelling (Class C3) within the countryside would be contrary to the principles of sustainable development, adopted development plan policies and Guidance which seek to avoid the development of homes in the countryside and to reduce reliance on the car. In circumstances where the proposal would fail to enhance the vitality of rural communities, there is no identified need for a countryside location, the permanent use would be likely to increase reliance on the car, the proposal would result in identified harm contrary to Policies CP1a, CP8, DM1d, SP1 and CP6 of the Taunton Deane Core Strategy 2012 and Policies SB1 and A5 of the Taunton Site Allocations and Development Management Plan 2016.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council works in a positive and creative way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.