

Public Agenda Pack



Notice of Meeting of

PLANNING COMMITTEE - WEST

Monday, 19 February 2024 at 2.00 pm

John Meikle Room, The Deane House, Belvedere Road, Taunton TA1 1HE

To: The members of the Planning Committee - West

Chair: Councillor Simon Coles

Vice-chair: Councillor Derek Perry

Councillor Norman Cavill

Councillor Habib Farbahi

Councillor Ross Henley

Councillor Mike Rigby

Councillor Sarah Wakefield

Councillor Gwil Wren

Councillor Caroline Ellis

Councillor Andy Hadley

Councillor Steven Pugsley

Councillor Andy Sully

Councillor Rosemary Woods

For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services democraticserviceswest@somerset.gov.uk.

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: democraticservicesteam@somerset.gov.uk by **12noon on Friday, 16 February 2024**.

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

The meeting will be webcast and a recording made.

Issued by (the Proper Officer) on Friday, 9 February 2024

AGENDA

Planning Committee - West - 2.00 pm Monday, 19 February 2024

Public Guidance Notes for Planning Committees (Agenda Annexe)
(Pages 7 - 10)

Councillor Reminder for Declaring Interests (Agenda Annexe) (Pages 11 - 14)

Webcast link to view the meeting

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1 Apologies for Absence

To receive any apologies for absence and notification of substitutions.

2 Minutes from the Previous Meeting (Pages 15 - 18)

To approve the minutes from the previous meeting.

3 Declarations of Interest

To receive and note any declarations of interests in respect of any matters included on the agenda for consideration at this meeting.

(The other registrable interests of Councillors of Somerset Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes: [City, Town & Parish Twin Hatters - Somerset Councillors 2023](#))

4 Public Question Time

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker.

Requests to speak at the meeting at Public Question Time must be made to the Monitoring Officer in writing or by email to democraticserviceteam@somerset.gov.uk by 5pm on Tuesday, 13 February 2024.

5 Tree Preservation Order - 2 Jeffrey's Way, Taunton (Pages 19 - 22)

To consider the confirmation of Somerset Council (Taunton No.1) Tree Preservation Order SC(West)5, 2023, 2 Jeffrey's Way, Taunton following an objection having been made.

6 Planning Application 20/23/0045 - 19-20 Mill Meadow, Parsonage Lane, Kingston St Mary, TA2 8HL (Pages 23 - 40)

To consider an application for the variation of wording to Condition No. 03 of application 20/06/0039 (Condition No. 01 of appeal decision - holiday occupancy) to allow full residential use of Plots 19 and 20 Mill Meadow, Parsonage Lane, Kingston St Mary.

7 Planning Application 20/23/0044 - 15-18 Mill Meadow, Parsonage Lane, Kingston St Mary, TA2 8HL (Pages 41 - 60)

To consider an application for the removal of Condition No. 05 (holiday occupancy) of application 20/05/0005 on Plots 15 to 18 Mill Meadow, Parsonage Lane, Kingston St Mary.

8 Planning Application 38/22/0344 - Weir Lodge, 83 Staplegrove Road, Taunton, TA1 1DN (Pages 61 - 74)

To consider an application for the demolition of outbuilding and erection of a 1 No. detached dwelling at Weir Lodge, Staplegrove Road, Taunton.

9 Planning Application 38/23/0103/LB - Weir Lodge, 83 Staplegrove Road, Taunton, TA1 1DN (Pages 75 - 86)

To consider an application for Listed Building Consent: Works for the demolition of outbuilding and erection of a 1 No. detached dwelling at Weir Lodge, Staplegrove Road, Taunton (resubmission of 38/22/0345LB).

10 Planning Application 24/22/0053 - Land to the northwest of 32 Greenway, North Curry (Pages 87 - 100)

To consider an application for change of use of equestrian land to tourism with siting of 2 No. glamping pods with amenity space, parking and EV points on land to the northwest of 32 Greenway, North Curry (resubmission of 24/22/0014).

11 Planning Application 38/23/0409 - 10 Greenway Road, Taunton, TA2 6LB (Pages 101 - 114)

To consider the change of use of residential garage into dog grooming salon at 10 Greenway Road, Taunton.

12 Appeal Decisions (for information) (Pages 115 - 122)

Other Information:

Exclusion of the Press and Public for any discussion regarding exempt information

The Press and Public will be excluded from the meeting when a report or appendix on this agenda has been classed as confidential, or if the Committee wish to receive confidential legal advice at the meeting. If the Planning Committee wish to discuss information in Closed Session then the Committee will asked to agree the following resolution to exclude the press and public:

Exclusion of the Press and Public

To consider passing a resolution having been duly proposed and seconded under Schedule 12A of the Local Government Act 1972 to exclude the press and public from the meeting, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972:

Reason: Para 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

(Or for any other reason as stated in the agenda or at the meeting)

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Public Guidance Notes for Planning Committees

Can I speak at the Planning Committee?

The Applicant or Agent, Parish, Town or City Council, Division Members and objectors or supporters are able to address the Planning Committee. **All speakers need to register – please see details on the next page.**

The order of speaking will be:-

- Those speaking to object to the proposal - maximum of 5 speakers of 3 minutes each
- Those speaking in support of the proposal - maximum of 5 speakers of 3 minutes each
- Parish, Town or City Council(s) - 3 minutes each
- Councillors of Somerset Council (non-Committee members) - 3 minutes each
- The applicant or their agent - 3 minutes

Public speaking will be timed and the Chair will be responsible for bringing the speech to a close. The speaker/s will be allowed to address the Committee during their registered slot only and will not be allowed to provide further clarification. If an item on the Agenda is contentious, with a large number of people attending the meeting, a representative speaking to object or support the proposal should be nominated to present the views of a group.

The Chair can exercise their discretion in consultation with the Legal Adviser and this maybe, for example, it maybe that comments are derogatory in which case the Chair will exercise discretion to prevent the speaker from continuing, or if balance was required in terms of speakers for and against or to make a specific point, to allow a further speaker.

Comments should be limited to relevant planning issues. There are limits to the range of issues that can be taken into account when considering planning applications.

Although not an exhaustive list, these might include:

- Government planning policy and guidance
- Planning legislation
- The suitability of the site for development
- Conflict with any planning policies such as the relevant Development Plan – which are available for inspection on the Council's website
- Adopted Neighbourhood Plans
- Supplementary Planning Documents (SPD)

- Previous planning applications and decisions
- Design, appearance, layout issues and relationship with the surrounding area.
- Living conditions such as privacy, noise and odour.
- Highway safety and traffic issues
- Biodiversity and ecology
- Impact on trees and the landscape
- Flood risk in identified areas at risk.
- Heritage assets such as listed buildings, conservation areas and archaeology
- The economy, including job creation/retention.
- Drainage and surface water run-off.

Issues that are not usually relevant will vary with each application, but the courts have established that the following matters cannot be taken into account when considering planning applications:

- The history or character of an applicant
- Perceived or actual impact of development on property values.
- Land ownership, restrictive covenants or other private property rights including boundary and access disputes or maintenance.
- An applicant's motivations or future intentions.
- Retrospective nature of applications;
- Impact on private views;
- The extent of public support or opposition for a proposal alone;
- Competition between businesses;
- Matters controlled by other (non-planning) legislation such as licensing and building regulations or other laws.

How do I register to speak at Planning Committee?

A request to speak must be made to the Council's Democratic Services team no later than 12 noon on the working day before the Committee meeting by email to democraticserviceswest@somerset.gov.uk . For those speaking to object or support the proposal, the speaking slots will be allocated on a first come first served basis. If there are numerous members of the public wishing to speak in one slot it is advisable to make arrangements for one person to make a statement on behalf of all. The meetings are hybrid and you can speak either in person at the meeting or virtually. If you wish to speak at the meeting virtually please inform Democratic Services so that they can advise you of the details. If you have registered to speak, the Chairman will invite you to speak at the appropriate time during the meeting.

Can I present information to the Committee?

Please be advised that you cannot present documents in any form to the Committee Members at the meeting – this includes photographs and presentations (including Powerpoint presentations).

How do I know what time an application will be heard?

If you have registered to speak in person, we recommend arriving at the meeting venue about 15 minutes before the start time. If joining virtually, please consider joining the meeting a few minutes early to ensure your technology is working correctly - you may have to wait in a lobby until being admitted to the meeting. It is not possible to estimate the exact time an application will be heard.

What if my Division Member does not sit on the Planning Committee?

If your local Councillor is not a member of the Planning Committee, he or she can still address the meeting to outline any concerns or points of support. However, they will not be permitted to take part in the main debate, to make or second a proposal or to vote on any item.

Presentation of planning applications

The Planning Officer will present the case to the Committee explaining the factual matters and any salient points which need to be drawn out with the use of a visual presentation. It is important to note that the Planning Officer is not an advocate for either the applicant or any third parties but will make an impartial recommendation based on the merits of the proposal and any relevant material considerations.

The role of Officers during the debate of an application

When an application is considered at Planning Committee, it is the Officers' role to explain why they have concluded that permission should be approved or refused and answer any questions that Members may have. Whilst the Committee has to reach its own decision bearing in mind the Officer advice, report and recommendation, the Lead Planning Officer and Council Solicitor in particular have a professional obligation to ensure that a lawful and unambiguous decision is made in accordance with the Council's Development Plan, planning legislation, regulations and case law. This means, in the event that a contrary decision is sought, they will need to explain the implications of doing so. This can sometimes mean that Officers need to advise and guide Members as to planning policy, what are or are not material considerations, what

legally can or cannot be considered or given weight and the likely outcome of any subsequent appeal or judicial review.

Officers' views, opinions and recommendations may, on occasion, be at odds with the views, opinions or decisions of the Members and there should always be scope for Members to express a different view from Officers. However, any decision by the Committee must be based on proper planning reasons as part of the overall aim to ensure that a lawful and unambiguous decision is made. Where this is contrary to that recommended within the Officer report, the Lead Planning Officer and Council Lawyer will advise Members in making that decision.

Recording of the Meeting

Please note that this meeting will be recorded, and the recording will be made available on the Council's website and/or on YouTube. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore, unless you are advised otherwise, by taking part in the Council meeting during public participation you are consenting to being recorded and to the use of the sound recording for access via the website or for training purposes.

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public – providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings, No filming or recording may take place when the press and public are excluded for that part of the meeting.



Councillor reminder for declaring interests

The [Members Code of Conduct](#) deals with declaration of interests and participation at meetings.

Non participation in case of Disclosable Pecuniary Interest

Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests*, you **must** disclose the interest, **must not** participate in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest,' you do not have to disclose the nature of the interest, just that you have an interest. A dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

Disclosure of Other Registerable Interests

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests**, you **must** disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise **must not** take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests 'directly relating' to financial interest or well-being

Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you **must** disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you **must not** take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests 'affecting' financial interests or well-being

Where a matter arises at a meeting which affects –

- a) your own financial interest or well-being;
- b) a financial interest or well-being of a relative or close associate; or
- c) a financial interest or wellbeing of a body included under Other Registrable Interests

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the division affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest,

you may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you **must not** take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

If your Non-Registrable Interest relates to –

- 1) an unpaid directorship on a company owned by your authority or
- 2) another local authority of which you are a member,

subject to your declaring that interest, you are able to take part in any discussion and vote on the matter.

*1. **Employment:** any employment or office held, or trade, profession or vocation carried on, by you or your partner for profit or gain.

2. **Sponsorship:** any payment or financial benefit towards your election expenses or expenses as a member received within the last 12 months, excluding any from your council.

3. **Contracts:** any current contract between your council and you, or your partner, or any body in which you or your partner are a partner, director, or shareholder.

4. **Land:** any land which is in your Council's area which you or your partner own, have a right to occupy, or receive the income from (excluding a licence to occupy land for less than a month).

5. **Corporate tenancies:** any tenancy between your council and a body in which you or your partner are a partner, director, or shareholder.

6. **Securities:** any beneficial interest in any shares or other securities of any description in a body held by you or your or your partner if the body has a place of business or land in your council's area, and: the total value of the securities held is over £25,000, or you or your partner hold more than one hundredth of the total issued share capital of the body, or if the body has more than one class of shares you or your partner hold more one hundredth of the issued share capital of that class.

**a) any unpaid directorships b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any body exercising functions of a public nature directed to charitable purposes or one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union, of which you are a member or in a position of general control or management.

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Minutes of a Meeting of the Planning Committee - West held in the John Meikle Room, The Deane House, Belvedere Road, Taunton TA1 1HE, on Tuesday, 23 January 2024 at 2.00 pm

Present:

Cllr Simon Coles (Chair)
Cllr Derek Perry (Vice-Chair)

Cllr Caroline Ellis	Cllr Habib Farbahi
Cllr Andy Hadley	Cllr Ross Henley
Cllr Steven Pugsley	Cllr Mike Rigby
Cllr Sarah Wakefield	Cllr Rosemary Woods
Cllr Gwil Wren	

Other Members present remotely:

Cllr Dave Mansell

64 Apologies for Absence - Agenda Item 1

Apologies were received from Cllr Andy Sully.

65 Minutes from the Previous Meeting - Agenda Item 2

Resolved that the minutes of the Planning Committee - West held on 21 November 2023 be confirmed as a correct record.

66 Declarations of Interest - Agenda Item 3

It was noted that all members of the Committee had received correspondence from the Applicant for planning application 23/22/0028.

Cllr Gwil Wren declared an Other Registerable Interest in respect of application 23/22/0028 as he was the Division member and had been briefed of this

application as a district councillor and had past associations with both Milverton and Halse parish councils. He also knew the landowner, one of the main objectors and the Chair of Milverton Parish Council. Whilst having considerable knowledge of the application he believed that he had no conflict of interest and it had not fettered his discretion.

67 Public Question Time - Agenda Item 4

No members of the public had registered to address the Committee.

68 Planning Application 23/22/0028 - Land at Preston Farm, Preston Bowyer, Milverton - Agenda Item 5

The Planning Officer introduced the application to the Committee with the assistance of a PowerPoint presentation.

The Committee was addressed by two objectors who raised their concerns which included the loss of arable land and the fire risk to nearby woodland.

The Applicant and two supporters also addressed the Committee and their comments included the need for solar energy in the current climate change emergency, that the temporary use of the land would be fully reversible and the biodiversity net gain it would create during its lifetime.

In response to questions from Members it was confirmed that:

- Approximately 20%-25% of the site was within the parish of Halse and 75%-80% within the parish of Milverton.
- The site contained agricultural land of grades 1, 2, 3a & 3b and had previously been used for arable crops, but was currently being used as pasture for cattle.
- That the Applicant had a connection to the National Grid lined up.
- After 40 years the land would have to be restored to its former condition (including suitable engagements) to the satisfaction of the local planning authority.

Whilst the Committee had reservations over the temporary, albeit for 40 years, loss of good quality agricultural land they had to balance this against the Council's Core Strategy Policy and Climate Emergency Strategy as well as the new National Policy Statement for Energy that came into force on 17 January 2024.

After some debate It was proposed by Councillor Rigby to approve the application and this was seconded by Councillor Pugsley.

Resolved

That planning application 23/22/0028 for the installation and operation of solar farm with associated works, equipment and infrastructure on land at Preston Farm, Wiveliscombe Road, Preston Bowyer, Milverton be GRANTED permission subject to the conditions listed in the Agenda report.

(voting: 8 in favour, 3 abstentions) Cllr Wren abstained from voting.

69 Planning Application 19/23/0006 - Palmers Green Cottage, Stewley Road, Hatch Beauchamp - Agenda Item 6

The Planning Officer presented the report with the aid of a presentation.

The Applicant spoke in support of his application.

It was commented that the proposal was an improvement and Members noting that the only reason the application was before them was that the Agent regularly worked for the Authority felt that it was appropriate to grant permission.

It was proposed by Councillor Wren to approve the application and this was seconded by Councillor Rigby.

Resolved

That planning application 19/23/0006 for the erection of a two storey extension to the side of dwelling and creation of vehicular access at Palmers Green Cottage, Stewley Road, Hatch Beauchamp be GRANTED permission subject to the conditions listed in the Agenda report.

(voting: unanimous in favour)

70 Appeal Decisions (for information) - Agenda Item 7

Members noted the appeal decisions.

(The meeting ended at 3.23 pm)

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CHAIR

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REPORT FOR THE SOMERSET (WEST) PLANNING COMMITTEE, 19th FEBRUARY 2024

Objection to Somerset Council (Taunton No.1) Tree Preservation Order SC(West)5, 2023, 2 Jeffreys Way, Taunton.

The Tree Preservation Order protects one Eucalyptus tree growing in the southeast corner of the rear garden of 2 Jeffreys Way, where it overhangs neighbouring gardens, including 57 Merton Road, the objectors' recently-built house.

RECOMMENDATION

That the Tree Preservation Order is CONFIRMED unmodified.

Background

The Tree Preservation Order (TPO) SC(West)5 was served on 18th September 2023. The grounds for serving the TPO were stated on the Notice as follows:

It has been brought to the council's attention that the tree is under threat of being excessively pruned. The tree is a large mature specimen, visible to numerous nearby residents. It therefore has amenity value. The aim of the TPO is to ensure that any management works carried out are necessary, justified and carried out in accordance with BS3998.

The tree is a large, mature Eucalyptus growing in the southeast corner of the rear garden of 2 Jeffreys Way in Comeytrowe. The houses to the south in Merton Road are newly-built and part of the Orchard Grove development.

Following the council's receipt of the objection to SC(West)5, an application was made by the owners of 57 Merton Road to carry out management works to the Eucalyptus, which overhangs their rear garden (application 38/23/0326). Following the case officer's on-site discussions with the applicants and their tree surgeon, a work specification was agreed and permission subsequently granted to crown-raise the tree on the south side to 5 metres above ground level and to prune the tree's low and mid-height lateral growth on the south side by 2 to 2.5 metres. These works have now been carried out to the satisfaction of the applicants.

Procedure

A Tree Preservation Order comes into force on the day that it is served for a period of 6 months. The TPO lapses after that date unless it has been confirmed by the Council. If there are no objections to the TPO, it can be confirmed. If any objections are received, the points raised must be considered and a decision made as to whether to confirm the TPO, either with or without modification. The decision

whether to confirm a TPO that raises objections is taken by members of the Planning Committee.

When deciding whether to serve and confirm a TPO, the present or future public amenity value of the trees must be considered. Tree Preservation Orders are served to protect selected trees if their removal would have a significant impact on the local environment. TPO trees should therefore be visible from a public place, such as a road or footpath.

In assessing a tree's amenity value, consideration must be paid to its visual impact, its health and structural integrity, its life-expectancy and its suitability to the location. The tree's potential impact on highways, services and structures should be considered.

Representations

One objection to the TPO has been received from the owners of 57 Merton Road.

The reasons given for the objection to the TPO can be summarized as follows:

- a) The Eucalyptus is not worthy of protection by TPO. It is not rare, or a particularly large or fine specimen.
- b) The tree does not have a high amenity value, as it is now less visible to the general public than it was before the new houses were built.
- c) There was no TPO on the tree when 57 Merton Road was purchased, unlike other trees such as the oak further to the east. Why has a TPO now been served to protect this Eucalyptus.
- d) There would not be a 'reasonable degree of public benefit' if the TPO was confirmed.
- e) The proposed pruning works were modest and unlikely to be widely visible.
- f) The tree is not beneficial to wildlife.

Determining Issues and Considerations

The tree in question is a mature Eucalyptus growing in the southeast corner of the rear garden of 2 Jeffreys Way. The Orchard Grove development is underway to the south of the tree and the houses in 57 Merton Road are therefore new. Because of the size of the tree and its location close to the southern and eastern boundaries of the property, the tree overhangs the garden of 57 Merton Road as well as 4 Jeffreys Way and very slightly the houses either side of 57.

In response to the points raised in the objection to the TPO:

a) It is agreed that the Eucalyptus is not a rare tree, and this specimen, though mature, is not particularly large for the species. However, it is a large tree, approximately 17 metres in height and 16 metres width, and it can therefore be seen by numerous nearby residents as well as from Jeffreys Way, Merton Road and Stonegallows, between houses and above rooftops.

b) There was no public footpath to the south of 2 Jeffreys Way prior to the Orchard Grove development, although local residents may have used the field for walking. The tree can be seen from Jeffreys Way, and because of the new development to the south it is now more visible to those residents, where it can now be viewed from Merton Road and from numerous properties nearby. Because of the size of the tree, and its future potential for some further growth, it can be seen above rooflines and contributes to the 'softening' of the new development.

c) The TPO was served at the request of its owner, as it was alleged that there had been a threat that the tree would be pruned entirely back to the boundary on the south side. It was necessary for the council to serve the TPO to ensure that any management works carried out were not excessive and were carried out professionally to British Standard 3998. The Eucalyptus was further from the new houses than the oak to the east that had been previously TPO'd and was therefore thought to be less under threat of excessive management.

d) The confirmation of the TPO ensures that this large tree will be maintained correctly in the future so that it can continue to benefit the area by contributing to the mature tree canopy cover for this part of Comeytrowe.

e) At the time that the TPO was served the pruning works proposed in application 38/23/0326 were unknown. However, it had been alleged that there was a proposal to cut back all the branches overhanging 57 back to the boundary line, which would have had a detrimental effect on the tree's aesthetic value, as well as potentially affecting its health and making it unstable.

f) It is agreed that the tree is of low value for native wildlife, although it does provide some shelter and shade.

Conclusion

Given the above points, and the fact that the tree has now been pruned successfully to the satisfaction of the objectors and without complaint from the owners, it is therefore recommended that Tree Preservation Order SC(West)5 is confirmed to ensure that any future management of the tree is justified and carried out in accordance with BS3998 and best arboricultural practice.

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Agenda Item 6

Application Details	
Application Reference Number:	20/23/0045
Application Type:	Removal or Variation of Condition(s)
Earliest decision date:	15 December 2023
Expiry Date	12 January 2024
Extension of time	
Decision Level	Chair/Vice Chair Referral
Description:	Variation of wording to Condition No. 03 of application 20/06/0039 (Condition No. 01 of appeal decision - holiday occupancy) to allow full residential use of Plots 19 and 20 Mill Meadow, Parsonage Lane, Kingston St Mary
Site Address:	19-20 MILL MEADOW, PARSONAGE LANE, KINGSTON ST MARY, TAUNTON, TA2 8HL
Parish:	20
Conservation Area:	NA
Somerset Levels and Moors RAMSAR Catchment Area:	Within the catchment area
National Landscape (AONB):	NA
Case Officer:	Briony Waterman
Agent:	CarneySweeny
Applicant:	MR T HEAYNS
Committee Date:	NA
Reason for reporting application to Committee	Chair referral

1. Recommendation

1.1 That permission be REFUSED

2. Executive Summary of key reasons for recommendation

2.1 The proposal is to remove Condition no. 01 of application 20/06/0039, which states:

"The chalets shall be occupied for tourism purposes only and shall not be occupied as a person's sole or main residence. The site operator and owners shall maintain an up-to-date register of the names of all owners/occupiers, including their guests, of individual chalets on the site and their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority".

The condition was re-imposed at appeal after the applicant sought to amend the wording of the condition imposed under application 20/06/0026 which stated:

"The occupation of the holiday accommodation shall be restricted to bona fide

holiday makers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holiday makers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times."

It is considered that removing the condition restricting the site to use as holiday accommodation is contrary to policies SP1, A5 and SB1 of the Site Allocations and Development Management Plan and policies CP1, SP4 and DM2 of the Taunton Deane Core Strategy, as the site falls outside the defined settlement limits of Kingston St Mary. The proposal is considered contrary to paragraph 84 of the National Planning Policy Framework.

In addition the proposed development would not meet the minimum space standards, as required within the National Described Space Standards and by policy D10 of the Site Allocations and Development Management Plan.

3. Planning Obligations, reason(s) for refusal and informatives

3.1 Reasons for refusal (full text in appendix 1)

3.1.1 Outside settlement limits

3.1.2 Does not meet minimum space standards

3.2 Informatives (bullet point only)

3.2.1 Proactive Statement

3.3 Obligations

NA

4. Proposed development, site and surroundings

4.1 Details of proposal

The proposal seeks the removal of Condition No. 01 (holiday occupancy) attached to the appeal decision of application 20/06/0039 at Plots 19 and 20 Mill Meadows, which are currently used as holiday lets. The condition states: "*The chalets shall be occupied for tourism purposes only and shall not be occupied as a person's sole or main residence. The site operator and owners shall maintain an up-to-date register of the names of all owners/occupiers, including their guests, of individual chalets on the site and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.*"

4.2 Sites and surroundings

The site is located within the Mill Meadows Eco-holiday lodges to the north of the site. The site is located to the south of Kingston St Mary, outside of the settlement limits. The site is accessed via the existing access from Parsonage Lane.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
20/23/0020	Removal of condition no. 01 (holiday occupancy) of appeal decision of application 20/06/0039 at Plots 19 and 20 Mill Meadow	Refuse	17/08/2023
20/07/0010	Conversion of building into two units for holiday lets (revision to 20/06/0026)	Conditional approval	24/05/2007
20/06/0039	Amendment to wording of condition 3 of permission 20/06/0026	Allowed at appeal	29/03/2007
20/06/0038	Amendment to wording of condition 6 of permission 20/05/0022	Allowed at appeal	29/03/2007
20/06/0026	Conversion of building into two units for holiday lets and removal of conditions 5 and 6 of planning permission 20/00/0025	Conditional approval	02/11/2006
20/06/0017	Removal of conditions 5 and 6 of planning approval 20/00/0025 to permit the use of the building for warden accommodation, reception, office and storage in connection with holiday cabin development	Withdrawn	
20/06/0010	Removal of condition 5 and 6 of planning approval 20/00/0025 to permit the use of the building for general use	Refusal	15/06/2006
20/05/0005	Erection of 5no. log cabins for tourism/education	Conditional approval	26/04/2005
20/00/0025	Erection of building to provide additional staff room, kitchen and toilet facilities	Conditional approval	13/11/2000

6. Environmental Impact Assessment

N/A

7. Habitats Regulations Assessment

The two units are currently being used as holiday lets. Under the phosphate guidance, Section 73 applications can benefit from a 'fallback position' allowing them to be screened out from requiring a HRA to demonstrate nutrient neutrality if the original permission has been lawfully commenced.

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that the proposed development seeks removal of the holiday condition it does not increase the number of units on the site or amend the drainage details and will not therefore increase nutrient loadings at the catchment's impact on the Ramsar site (either alone or in combination with other plans or projects) pursuant to Regulation 63 (1) of the Habitats Regulations.

8. Consultation and Representations

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

8.1 Date of consultation: 21 November 2023

8.2 Date of revised consultation (if applicable): N/A

8.3 Press Date:

8.4 Site Notice Date: 23 November 2023

8.5 **Consultees** the following were consulted:

Consultee	Comment	Officer Comment
KINGSTON ST MARY PARISH COUNCIL	<p>Support the proposals.</p> <p>1. meet the need for 2/3 bedroom housing, meets the need for more affordable housing, complies with para 78 of the NPPF.</p> <p>2. not located in open countryside and is a sustainable location</p> <p>3. 19-20 are built, 15-18 have permission, Parish Council would prefer these properties were full time residential rather than as holiday homes</p> <p>4. Mill meadows are eco houses of exceptional design</p> <p>5. Applicant is offering an affordable housing provision in perpetuity</p> <p>Neighbourhood Plan has been released for their Regulation 16 consultation which welcomes modest development.</p>	<p>1. See section 10.1.2</p> <p>2. See section 10.1.1</p> <p>Noted</p> <p>Noted</p> <p>See section 10.1.2</p> <p>See section 10.1.4</p>
WESSEX WATER	No comments received	
SCC - TRANSPORT DEVELOPMENT GROUP	<p>Standing advice.</p> <p>1. Vehicular and cycle parking standards</p> <p>2. EV charging points in line</p>	Noted.

	with the relevant strategy.	
ECONOMIC DEVELOPMENT	No comments received	
Housing Enabling Team	<p>The Housing Enabling team has considered the three proposals. Following further research, the Discounted Open Market options are not viable particularly given the construction type of the dwellings.</p> <p>An Affordable Housing financial contribution has been calculated based on 1.5 dwellings incorporating the indicative market values provided within the application and equates to a financial contribution of £151,292 in lieu of affordable housing on site. The Affordable Housing financial contribution should be secured through a S106 planning agreement and be index linked for payment due upon completion of both plots 19 and 20 and prior to residential occupation of plots 15 –18.</p> <p>The Affordable Housing policy for use of financial contributions states ‘the Council will use the financial contributions in the following ways:</p> <ul style="list-style-type: none"> • Fund the provision of new affordable housing through Registered Providers; • Purchase land for new affordable housing schemes either directly by the Council or through Registered Providers; • Fund activities relating to the delivery of affordable housing.’ <p>The Housing Enabling team will continue to work with the Parish Council and Kingston St Mary Community Land Trust to sustain and deliver Affordable Housing opportunities within the parish</p>	See section 10.1.3

8.6 Local representations

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

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

Support	Officer comment
Shortage of suitable housing for people to downsize to	Noted.
Eco-friendly heating solution and rainwater is used for toilets, washing machines etc	Noted.
Support if commitment to include low cost housing is honoured	Noted.
Need for affordable housing	See section 10.1.2
Add well built, attractive housing	Noted.
Local housing for local people	See section 10.1.2
Free up larger home in the villages	Noted.
Too many homes being taken up by second homeowners	Noted.
Eco-credentials	Noted
Lack of affordability in the locality	See section 10.1.2
New build holiday homes uneconomical due to rise in AirBnB	Noted
Does not conflict with any policy	See section 10.1.1
Promote appropriate and sustainable development	Noted
Local housing needs survey for downsizing	Noted
No affordable housing in KSM since the late 1990s	See section 10.1.2
A Community Land Trust has been established	Noted
To provide affordable housing now, or to have a contribution towards affordable housing is very positive	See section 10.1.2
A local occupancy clause in the S106	Noted
Lack of gardens - applicant is willing to remove part of the existing "wild area" to be made available for domestic	Noted

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 strongly 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).

As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1

April 2023 and the Council will be bringing forward a Local Development Scheme to agree the timetable for the preparation of the local plan and scope in due course.

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

SP1 - Sustainable development locations,
SB1 - Settlement Boundaries,
CP1 - Climate change,
SP4 - Realising the vision for rural areas,
DM2 - Development in the countryside,
D10 – Dwelling sizes

Supplementary Planning Documents

N/A

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:

A Kingston St Mary Neighbourhood Plan

National Planning Policy Framework – December 2023

10. Material Planning Considerations

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

10.1.1 History

The building subject to this application was constructed as office accommodation by application 20/00/0025. Application 20/06/0026 permitted the change of the use of the building into two holiday let units. Section 73 Application 20/06/0039, allowed on appeal, sought to relax the holiday occupancy condition to allow second home ownership. The appeal decision deleted the tourism occupancy Condition 3 of application 20/06/0026 and imposed a new, more relaxed tourism occupancy Condition 1. The current occupancy condition states:

"The chalets shall be occupied for tourism purposes only and shall not be occupied as a person's sole or main residence. The site operator and owners shall maintain an up-to-date register of the names of all owners/occupiers, including their guests, of individual chalets on the site and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority."

In August 2023 an application to remove the condition 1 of application 20/06/0026,

this was refused by Planning Committee with the reason for refusal stating:

"The proposed development is outside any defined settlement limits and therefore falls within open countryside. The site is located in an unsustainable location where future occupiers would be heavily reliant on the private car to access facilities and amenities that are not available within close proximity to the site. The proposed is therefore contrary to policies SP1, SD1 and CP1 of the Taunton Deane Core Strategy and policies A5 and SB1 of the Taunton Deane Site Allocations and Development Management Plan."

10.1.2 The principle of development

The application site lies outside the defined settlement limits and is therefore considered to be within the open countryside as identified by Policy SP1 of the Site Allocations and Development Management Plan (SADMP). As such policies CP1, CP8, SP4 and DM2 of the Taunton Deane Core Strategy are considered relevant.

Policy SB1 refers to the settlement boundaries which sets out *"In order to maintain the quality of the rural environment and ensure a sustainable approach to development, proposals outside of the boundaries of settlements identified in Core Strategy policy SP1 will be treated as being within open countryside and assessed against Core Strategy policies CP1, CP8 and DM2 unless:*

- A. *It accords with a specific development plan policy or proposal; or*
 - B. *Is necessary to meet a requirement of environmental or other legislation;*
- and*

In all cases, is designed and sited to minimise landscape and other impacts." The proposal does not meet a specific development plan policy nor is it necessary to meet a requirement of environmental or other legislation as such the proposal will be assessed under policies CP1, CP8 and DM2 as outlined below.

Core Strategy Policy SP1 establishes the desire to provide sustainable development, which focuses development in the most sustainable and accessible locations. This policy states that outside of the settlement boundaries, development will be treated as being within the open countryside and therefore Policy DM2 shall be applied. The location of this proposal is not identified within SP1 as a major or minor rural centre, it is one of the villages listed that retain settlement boundaries and have no further allocations made through the SADMP but does allow for small scale proposals within the settlement limits. The proposed development is therefore considered contrary to Policy SP1, outside of a defined settlement boundary for Kingston St Mary and not within a sustainable location.

Policy SB1 states that to *"maintain the quality of the rural environment and ensure a sustainable approach to development, proposals outside of the boundaries of settlements identified in Core Strategy Policy SP1 will be treated as being within the open countryside and assessed against Core Strategy policies CP1, CP8 and DM2 unless:*

- A: *It accords with a specific development plan policy or proposal; or*
- B: *Is necessary to meet a requirement of environmental or other legislation; and in all*

cases, is designed and sited to minimise landscape and other impacts"

The proposed conversion to residential properties does not accord with Criteria A or B outlined above as it does not meet a specific development plan policy and is not necessary to meet a requirement of environmental or other legislation. Furthermore, the location within an established tourist site raises concerns regarding conflict between holiday makers and residents. The different uses on the site would lead to conflict with traffic movements, noise and disturbance.

Policy SP1 re-enforces the need to shape "*patterns of development to reduce the need to travel, reducing pollution and CO2 emissions*". By having defined settlement boundaries, the Local Planning Authority is seeking to apply strict control over sustainability. It is noted that there is a footpath from the site to the centre of the village, however it is likely that the occupiers of the proposed development would be reliant on the private car rather than walking along an unlit footpath, for things other than basic day to day needs.

There have been appeal decisions relating to housing schemes outside of settlement limits such as appeal APP/G1630/W/14/3001706 (Bagley Road), dated July 2015 which was for a residential development of up to 58 dwellings, the current proposal is for the removal of a holiday occupancy condition of two holiday lets be given consent as open market dwellings. Each application is determined upon its own merits, and it is considered that a proposal for two open market dwellings with no wider community benefit is not a fair comparison when assessed against the Bagley Road decision. The aforementioned is contiguous to Wellington with a wide range of facilities being accessible by walking along lit footpaths, which differs from the proposed site which would be wholly reliant on the private car. The view of the LPA is that the proposed development does not comply with policy SP1 due to its countryside location.

Policy DM2 is positively worded and sets out what type of development will be supported in the open countryside of which open market residential is not one. In the case of residential dwellings, the policy is specifically related to replacement dwellings, dwellings linked to agriculture and forestry employment and affordable housing (please see section 10.1.2) where it can be demonstrated that this cannot be accommodated within the nearest Rural Centre. Whilst DM2 does not specify what types of development should be resisted comments received from the Council's Policy Officer have stated that this "should logically be read into the policy, and it does not mean that other development would thereby be considered acceptable".

Within the justification for Policy DM2 it states that "Tourism is a key element of the local economy, providing around 1500 jobs and generating an estimated £129 million in 2007. The Somerset Delivery Plan recognises the need for sustainability so as not to undermine the local environmental quality." The use of these units as dwellings would result in a loss of tourist income for the site and a reduction in the tourist spend in the area. No justification has been submitted to show that there is no longer a need for holiday lets in the area.

Policy CP1 requires that "development proposals should result in a sustainable environment and will be required to demonstrate that the issues of climate change have been addressed by:

a: Reducing the need to travel through locational decisions and where appropriate, providing a mix of uses: and/or

h: impact on the local community, economy, nature conservation or historical interests does not outweigh the economic and wider environmental benefits of the proposal."

The developments "eco" credentials are noted as is the care taken to promote biodiversity and sustainable practices such as electric charging points. However, given the location of the proposal, approximately 2.6 miles from the nearest railway station in Taunton, along an unlit road with no cycle path and an irregular bus route, with no safe lit pedestrian route to the village, occupiers of the dwellings would have to travel for everyday activities such as work, school, shops etc. The limited local services, facilities and amenities would increase both the use and reliance on the private car which is contrary to policy.

Policy A5 relates to accessibility, the policy states that residential development should be within walking distance of, or should have access by public transport to, a wide range of services and facilities. The proposed dwellings would be outside the settlement boundary, although not isolated from other dwellings, there is no safe walking route to facilities and an irregular bus service. Within the appeal decision, reference APP/W3330/21/3289579, the Inspector states that the lack of street lighting and continuous footpath connecting the site to the nearest settlement would discourage pedestrians and cyclists from using alternative modes of transport to the private car, this is considered to be the case with the current proposal, it is therefore considered contrary to both policies CP1 and A5.

Policy CP8 states that "Development outside of settlement boundaries will be permitted in a limited number of circumstances and are subject to a number of criteria including "be appropriate in terms of scale, siting and design: and protect, conserve or enhance the landscape and town scape character whilst maintaining green edges and open breaks between settlements. and provide for any necessary mitigation measures". The removal of the holiday occupancy condition on of the 2 holiday lets would not change the appearance of the buildings and the proposal is considered to comply with policy CP8 of the Taunton Deane Core Strategy.

Policy SP4 states that "Growth in the rest of the borough will be limited, respecting and reflecting the rural character and sustainability considerations". The policy goes on to state that "it is vital that any development respects the integrity of the countryside". The proposed removal of the condition to allow for residential occupancy would be in conflict with Policy SP4 in that it is outside settlement limits which would not respect the rural character or sustainability considerations.

Paragraph 84 of the NPPF states that planning decisions should avoid the development of isolated homes in the countryside unless:

- (a) There is an essential need for a rural worker
- (b) The development would represent the optimal viable use of a heritage asset, or would be appropriate enabling development
- (c) The development would re-use redundant or disused buildings and enhance the immediate setting.
- (d) The development would involve the subdivision of an existing residential building;
or
- (e) The design is of exceptional quality in that it:
 - is truly outstanding, reflecting the highest standards in architecture and would help to raise the standards of design more generally in rural areas; and

- Would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

The proposal to remove the tourism condition and to allow open market residential occupancy is considered contrary to the above paragraph and the general sustainability principles of the NPPF.

Policy D10 sets out the minimum space standards for dwellings which is in accordance with the minimum floor areas as detailed in the Nationally Described Space Standards. For a two bed, two storey dwelling the minimum space standard states that it should be a minimum of 70m², given the plans submitted the two bed plot measures approximately 43.18 and therefore does not meet the minimum standards. Similarly, for a three bed plot the minimum space standard is set at 84m² from the plans submitted the three bed plot measures approximately 51.82m² and therefore does not meet the minimum space standards and is considered contrary to policy D10 of the Site allocations and development management plan.

Given the above it is considered that the proposal would be in conflict with policies SP1, SB1, SP4, CP1, D10, DM2 and A5 and is unacceptable in terms of policy, given the location of the proposals.

10.1.3 Affordable Housing

In respect of units 19 and 20, the applicant has offered to link the current application and application reference 20/23/044 to provide an element of affordable housing across the two sites to be linked via a S106.

Three potential options for providing affordable housing were submitted these are as follows:

Option 1 - On-site provision of one Discounted Open Market affordable home and a commuted financial sum equivalent to the construction of half an affordable home.(combined offer of £126,000)

Option 2 - On-site provision of two Discounted Open Market affordable homes (combined offer of £162,500)

Option 3 - A commuted financial sum, equivalent to the construction cost of one and half affordable homes (combined offer of £153,000)

The Housing Enabling team (HET) have been consulted who have considered the three proposals. In response to options 1 and 2 the properties have already been built and occupied as holiday lets. The type of construction means that the Discounted Open Market options would not be viable.

Option 3 was considered the most acceptable by the HET of the 3 options provided. The offer of a commuted sum could be used to provide affordable housing offsite, however there is no guarantee that this would result in the provision of affordable housing within the parish of Kingston St Mary.

Many of the letters of support, including from the Parish Council, reference the need

for affordable housing in the area. A financial contribution may aid the delivery of future affordable housing within the Parish, however there could be alternative funding opportunities available to deliver affordable housing led developments elsewhere.

It is considered that the commuted sum would allow for a total six open market residential properties within the open countryside and would not provide the affordable housing which many of the letters of support reference, the potential benefits of this are outweighed by the policy objections outlined above.

10.1.4 SHLAA and Five Year Housing Land Supply

The latest housing land supply position is published in the 2023 SHLAA for Somerset West Area (formerly Somerset West and Taunton). For the former Taunton Deane LPA the Housing Land Supply is 5.16. Therefore, the 'tiled balance in Paragraph 11(d) of the NPPF is not applicable

10.1.5 Kingston St Mary Neighbourhood Plan

The Planning Practice Guidance states that "An emerging neighbourhood plan is likely to be a material consideration in many cases. Paragraph 48 of the revised National Planning Policy Framework sets out that weight may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies." Ref ID 41-007-20190509.

The Kingston St Mary Neighbourhood Plan is at Examination. The Regulation 16 consultation finished on Friday 19 January 2024. No significant objections to the policies in the Neighbourhood Plan were received during that consultation. The Examination will establish the degree of consistency with the NPPF, TDBC Core Strategy and TDBC Site Allocations and Development Management Plan.

The emerging Kingston St Mary Neighbourhood Plan (KSMNP) proposes a change to the settlement limit, and have produced a supporting document. However, the Neighbourhood Plan makes clear that this is unlikely to be adopted until the new unitary authority has a new Local Plan, as stated on page 67 of the KSMNP:

"Alterations to Settlement Boundary It is also worth noting that submissions have been made by the Parish Council in respect of the Settlement boundary. In relation to the settlement boundary the Parish Council requested in 2021 for Kingston St Mary village's settlement boundary to be extended (see the Settlement Boundary report in Supporting Guidance). However, this change, if accepted, is unlikely to be adopted until the new Unitary authority creates a new Local Plan"

At this stage the Neighbourhood Plan carries little weight as a material consideration.

10.1.6 Highways

The current use of units 19 and 20 are holiday lets, whilst there may be a small rise in traffic movements with deliveries etc, this is not considered such a significant increase to warrant a refusal.

10.1.7 Visual impact

The proposed lifting of the condition would not alter the appearance of the buildings and is not considered to result in a significant impact on the visual amenity of the area. It is noted that there could be an increase in domestic paraphernalia. However the site is well screened from the highway and it is considered that there would not be a significant impact upon the visual amenity of the area.

10.1.8 Residential impact

It is considered that the proposed development would not have a significant impact upon the residential amenity of the surrounding properties. However, it is considered that there is the potential for conflict between the uses of the site in relation to traffic movements and potential noise and disturbance. However, given that the proposal is for two units this is not considered to be significant.

10.1.9 Conclusion

It is considered that the purpose of a planning application is not to negotiate the purchase of a consent. The offer of a commuted sum is not considered to outweigh the policy objections to development in the open countryside, the proposal would not result in any affordable housing provided on site. It is therefore considered that the application be refused, given its location outside of settlement limits within the open countryside and contrary to policies SP4, DM2, SD1 and CP1 of the Taunton Deane Core Strategy and policies A5 , SP1 and SB1 of the Taunton Deane Site Allocations and Development Management Plan. The size of the units do not comply with the minimum space standards and the proposal is considered contrary to Policy D10 of the Site Allocations and Development Management Plan.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

N/A

12 Planning balance and conclusion

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

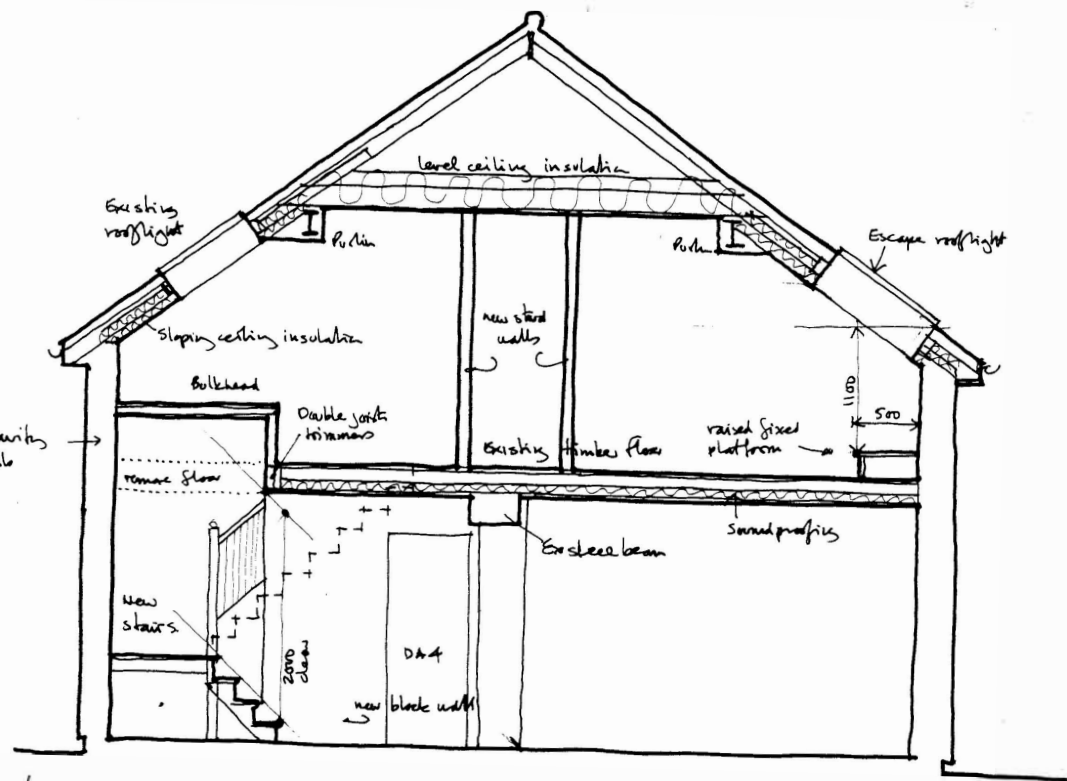
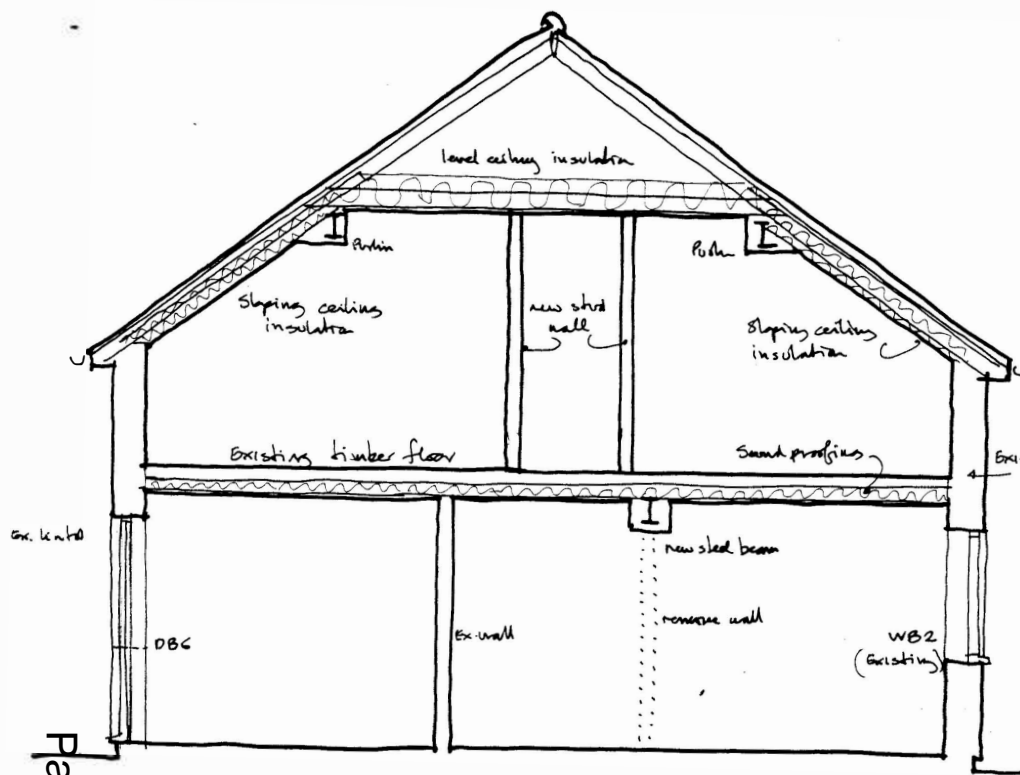
In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Reason/s for Refusal

- 1 The proposed development is outside any defined settlement limits and therefore falls within open countryside. The site is located in an unsustainable location where future occupiers would be heavily reliant on the private car to access facilities and amenities that are not available within close proximity to the site. The proposed is therefore contrary to policies SP4, DM2, and CP1 of the Taunton Deane Core Strategy and policies A5, SP1 and SB1 of the Taunton Deane Site Allocations and Development Management Plan, and the proposal is considered contrary to paragraph 84 of the National Planning Policy Framework.
2. The proposed development would not meet the minimum space standards, as required within the National Described Space Standards and by policy D10 of the Site Allocations and Development Management Plan.

Notes to applicant.

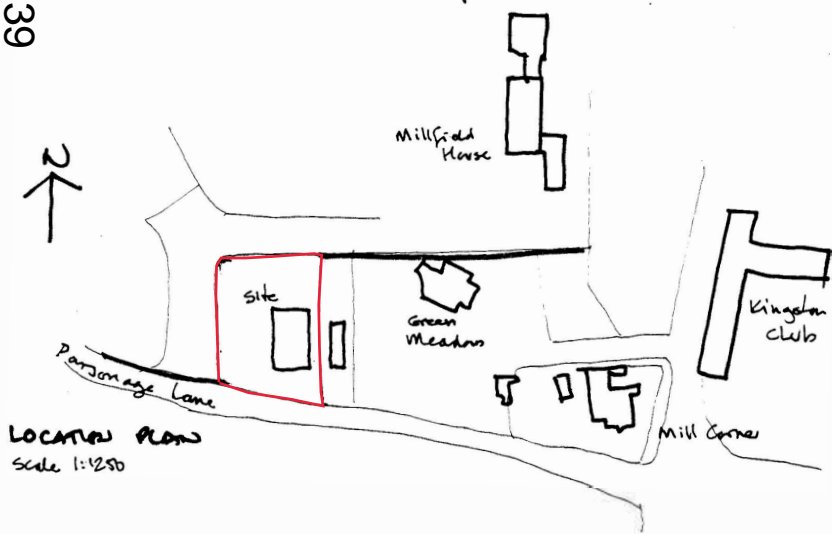
- . In accordance with paragraph 38 of the National Planning Policy Framework 2023 the Council works in a positive and creative way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.



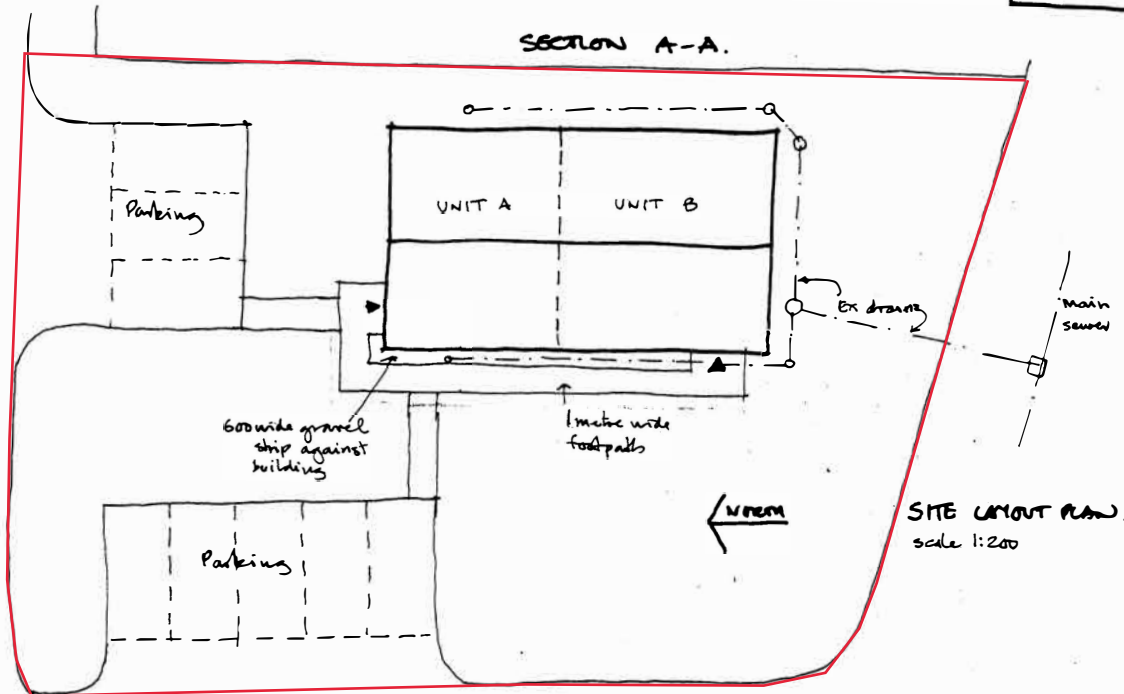
SECTION B-B

SECTION A-A.

Page 39



LOCATION PLAN
Scale 1:1250



SITE LAYOUT PLAN
Scale 1:200

CONVERSION TO TWO HOLIDAY LETS
SWALLONS BAY PARSONAGE LANE KILKISTON ST MARY

MR. HEAYNS

Scale 1:50 + as noted
Date Feb 2017
Drawing No 4.

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Application Details	
Application Reference Number:	20/23/0044
Application Type:	Removal or Variation of Condition(s)
Earliest decision date:	15 December 2023
Expiry Date	18 January 2024
Extension of time	
Decision Level	Chair/Vice Chair Referral
Description:	Removal of Condition No. 05 (holiday occupancy) of application 20/05/0005 on Plots 15 to 18 Mill Meadow, Parsonage Lane, Kingston St Mary
Site Address:	15-18 MILL MEADOW, PARSONAGE LANE, KINGSTON ST MARY, TAUNTON, TA2 8HL
Parish:	20
Conservation Area:	NA
Somerset Levels and Moors RAMSAR Catchment Area:	Within
National Landscape (AONB):	NA
Case Officer:	Briony Waterman
Agent:	
Applicant:	MR C HEAYNS
Committee Date:	
Reason for reporting application to Committee	Chair Referral

1. Recommendation

1.1 That permission be REFUSED.

2. Executive Summary of key reasons for recommendation

2.1 The proposal also seeks to remove condition no 05 (holiday occupancy) of application 20/05/005, this condition states:

“The occupation of the holiday accommodation shall be restricted to bona fide holidaymakers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.

Reason: The accommodation provided is unsuitable for use as a permanent dwelling because of its size, and inadequate facilities on site and the Local Planning Authority wish to ensure the accommodation is available for tourism in accordance with Taunton Deane Local Plan Policy EC23”.

It is considered that removing the condition restricting the site to use as holiday accommodation is contrary to policies SP1 and SB1 of the Site Allocations and Development Management Plan and policies CP1, SP4 and DM2 of the Taunton Deane Core Strategy. as the site falls outside of the defined settlement limits of Kingston St Mary it is also contrary to paragraph 84 of the National Planning Policy Framework.

3. Planning Obligations, reason(s) for refusal and informatives

3.1 Reasons for refusal (full text in appendix 1)

3.1.1 Outside settlement limits

3.2 Informatives (bullet point only)

3.2.1 Proactive Statement

3.3 Obligations

N/A

4. Proposed development, site and surroundings

4.1 Details of proposal

Removal of Condition No. 05 (holiday occupancy) of application 20/05/0005 on Plots 15 to 18 Mill Meadow.

4.2 Sites and surroundings

The proposed site is located within the Mill Meadow Eco-holiday lodges to the North of the site. The site is located to the south of Kingston St Mary, outside of the settlement limits. The site is accessed via an existing access from Parsonage Lane.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
20/23/0019	Removal of Condition No. 05 (holiday occupancy) of application 20/05/0005 and variation of Condition No. 01 of 20/22/0027 (approved plans) at Plots 15 to 18 Mill Meadow,	Grant	17/08/2023
20/22/0027/NMA	Application for a non-material amendment to application 20/05/0005 to add a condition listing the approved plans to enable a future section 73 application to amend the design of the approved holiday lodges.	Conditional approval	21/09/2022
20/22/0014/LEW	Application for a lawful development certificate for an existing use of a building as a dwelling	Decision of approval	18/08/2022

20/22/0019/NMA	Application for a non-material amendment to application 20/05/0005 to add a condition listing the approved plans to change the building	Refusal	22/06/2022
20/10/0004	Erection of detached 3 bedroom dwelling for accommodation for warden/manager and dependants in connection with tourism business and carp fishery together with separate services and storage facilities	Conditional approval	08/01/2013
20/06/0039	Amendment to wording of condition 3 of permission 20/2006/026	Allowed at appeal	29/03/2007
20/06/0038	Amendment to wording of condition 6 of permission 20/2005/022	Allowed at appeal	29/03/2007
20/06/0037	Amendment to wording of condition 5 of permission 20/2005/05	Allowed at appeal	29/03/2007
20/06/0026	Conversion of building into two units for holiday lets and removal of conditions 5 and 6 of planning permission 20/2000/025	Conditional approval	02/11/2006
20/05/0022	Erection of 13 log cabins for holiday let	Conditional approval	06/12/2005
20/05/0012	Erection of 13 log cabins for holiday let	Conditional approval	16/09/2005
20/05/0005	Erection of 5no. log cabins for tourism/education	Conditional approval	26/04/2005

6. Environmental Impact Assessment

NA

7. Habitats Regulations Assessment

The earlier permission was for five holiday units, one of which has been built out and occupied as a permanent residential dwelling. The permission is considered to be lawfully implemented and the four additional units could be built out at any time. This application therefore benefits from an existing 'fallback position' allowing the proposal to be screened out from requiring a HRA to demonstrate nutrient neutrality.

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that as the proposed development seeks to remove the holiday condition it does not increase the number of units of accommodation on the site or amend drainage details and will not therefore increase nutrient loadings at the catchment's wastewater treatment works. The Council is satisfied that there will be no additional impact on the Ramsar site (either alone or in combination with other plans or projects) pursuant to Regulation 63 (1) of the Habitats Regulations.

8. Consultation and Representations

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

8.1 Date of consultation: 23 November 2023

8.2 Date of revised consultation (if applicable): N/A

8.3 Press Date: N/A

8.4 Site Notice Date:

8.5 **Consultees** the following were consulted:

Consultee	Comment	Officer Comment
KINGSTON ST MARY PARISH COUNCIL	<p>Support:</p> <p>Help meet the need for additional 2/3 bedroom housing as evidenced in the Housing Needs Survey. Smaller residential accommodation is a social benefit to the community. Complies with para 78 of the NPPF.</p> <p>Mill Meadow is not located in open countryside and is in a sustainable location. Surrounded by existing properties in the heart of the Mill Cross residential area. Regular bus service, and within safe walking distance to the village amenities, this accords with para 79 of the NPPF</p> <p>Plots 19 and 20 are already built and 15-18 have planning permission, the PC would prefer that these properties were available as full time residential occupancy rather than as holiday homes, this is considered to be a more efficient use of the land</p> <p>Mill Meadow properties are eco houses of an exceptional design. High levels of energy efficiency , making the dwellings more resilient to</p>	See section 10

	<p>climate change. To help future proof the site each plot will have its own EV charging point and residents will be able to participate in a subscription scheme to have the use of a EV pool car</p> <p>Although not obligated, the applicant is willing to offer an affordable housing provision in perpetuity for people who satisfy a local connection eligibility requirement or a financial contribution in lieu of affordable housing, equivalent to 25% of the 6 properties included in these 2 planning applications, secured by a legally binding S106 agreement. Affordable housing secured by a S106 agreement is appreciated by the PC.</p> <p>KSM neighbourhood plan for their regulation 16 consultation which runs to the 11th Jan 2024. Plan states that modest development will be welcomed to secure the long term sustainability and prosperity of the Parish.</p>	
SCC - TRANSPORT DEVELOPMENT GROUP	Standing advice. LPA should take into consideration, vehicular and cycle parking standards, and EV charging points in line with the relevant strategy.	See section 10
WESSEX WATER	No comments received	
ECONOMIC DEVELOPMENT	No comments received	
Housing Enabling Team	The Housing Enabling team has considered the three proposals. Following further research, the Discounted Open Market options are not viable particularly given the construction type of the dwellings.	See section 10.1.3

	<p>An Affordable Housing financial contribution has been calculated based on 1.5 dwellings incorporating the indicative market values provided within the application and equates to a financial contribution of £151,292 in lieu of affordable housing on site.</p> <p>The Affordable Housing financial contribution should be secured through a S106 planning agreement and be index linked for payment due upon completion of both plots 19 and 20 and prior to residential occupation of plots 15 –18.</p> <p>The Affordable Housing policy for use of financial contributions states ‘the Council will use the financial contributions in the following ways:</p> <ul style="list-style-type: none"> • Fund the provision of new affordable housing through Registered Providers; • Purchase land for new affordable housing schemes either directly by the Council or through Registered Providers; • Fund activities relating to the delivery of affordable housing.’ <p>The Housing Enabling team will continue to work with the Parish Council and Kingston St Mary Community Land Trust to sustain and deliver Affordable Housing opportunities within the parish.</p>	
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8.6 Local representations

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

32 number of letters have been received making the following comments (summarised):

Support	Officer comment
Need smaller affordable housing	Noted
Application meets an urgent local need	Noted
High quality sustainable housing to meet the identified	Noted

residential need	
Limited number of properties accessible to younger families	Noted
Allow people to downsize	Noted
Lack of affordable housing in the locality	Noted
Outstanding eco-credentials, including a negative carbon footprint	Noted
Does not conflict with any Somerset Council Policy	See section 10.1.1
Fits the housing need	Noted
A community land trust has been established with the aim of enabling two/three bedroom properties, with a focus on affordability	Noted
The opportunity of providing affordable housing now, or to have a contribution towards affordable housing through this application is very positive	Noted
The local occupancy clause in the S106 will give local residents an opportunity to secure the units before they go onto the open market	Noted
Give young families a better chance of buying other 2/3 bed family houses	Noted
High quality sustainable housing	Noted
Affordable housing for local people	See section 10.1.3
Increase housing stock rather than holiday lets	Noted
Housing needs survey highlighted the requirement of some residents wishing to downsize and stay in the village	Noted
Benefits the economy year round	Noted
Why allow second homes but not local housing	Noted
AirBnB has meant the new build of holiday homes is uneconomical	Noted
New build of holiday homes in uneconomical	Noted

Comments from Cllr Darch in support:

- Evidenced need for properties for downsizing in Kingston St Mary (see Neighbourhood Plan) and the addition of affordable housing options in this application provides significant social benefit to the community.
- Exceptional design, existing properties at Mill Meadow are eco houses with high levels of energy efficiency. Benefit future owners in terms of energy costs.
- Amenity: original submission concern was expressed by the committee about the lack of gardens for these properties, the applicant has advised that if there is a requirement for designated areas to be removed from the existing "wild areas" and made available for domestic use it can be addressed by raised planters adjacent to each dwelling. However, those interested in downsizing are likely to be looking for low maintenance gardens.
- Environmental gain and sustainability: although phosphate mitigation is not a requirement due to extant consent there is phosphate capture capacity onsite through a silt trap pond that then feeds the main lake, which has extensive marginal planting that is managed by a cycle of coppicing and replanting capturing phosphates. There is provision for EV chargers for each unit and plans for a new substation for future proof the site, the management company has the powers to introduce a suitable EV pool car for the development.

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 strongly 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).

As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council will be bringing forward a Local Development Scheme to agree the timetable for the preparation of the local plan and scope in due course. Relevant policies of the development plan in the assessment of this application are listed below:

SP4 - Realising the vision for rural areas,
SB1 - Settlement Boundaries,
DM1 - General requirements,
DM2 - Development in the countryside,
SP1 - Sustainable development locations,
SD1 - Presumption in favour of sustainable development,
A5 - Accessibility of development,
CP8 - Environment,

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:

A Kingston St Mary Neighbourhood Plan, is at the time of writing, out for consultation under Regulation 16, and at this stage can only carry little weight as a material consideration.

National Planning Policy Framework – December 2023

10. Material Planning Considerations

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

10.1.1 History

Application 20/02/005 approved 5 log cabins, now known as plots 14,15,16,17 and 18 Mill Meadow. Only Plot 14 has been constructed. Plot 14 is occupied as a single storey dwelling. The design differed from the approved design. This variation and the residential occupancy has been regularised through the approval of Certificate of Lawfulness. The permission for the remaining cabins is safeguarded by the commencement on the site. Condition 5 of the original permission stated:

“The occupation of the holiday accommodation shall be restricted to bona fide holidaymakers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all times.

Reason: The accommodation provided is unsuitable for use as a permanent dwelling because of its limited size, and inadequate facilities on site and the Local Planning Authority wish to ensure the accommodation is available for tourism in accordance with Taunton Deane Local Plan Policy EC23.”

Application 20/06/0037 sought permission to alter the wording of condition no 5 to:

“The chalets shall be occupied for holiday purposes only. The chalets shall not be occupied as a person’s sole or main residence. The site operator or owner shall maintain as up to date register of the names of all owners/occupier of individual chalets on the site and of their main home addresses and shall make this information available at all reasonable times to the local planning authority. For the purposes of this condition, holiday purposes shall mean that each chalet shall be available for rent by various groups or individuals (other than and in addition to the owner) for leisure and recreational purposes”.

Permission was refused by the Local Planning Authority for the following reason:

“The proposed amended wording would make it difficult to enforce against the accommodation being occupied on a long term/permanent basis rather than as short term holiday accommodation, which would be contrary to open countryside policies and sustainable development objectives and would reduce the economic benefits of the accommodation, which justifies its presence in this open countryside location in accordance with Taunton Deane Local Plan Policies S7 and EC24.”

This refusal was appealed. In March 2008, the Inspector allowed the appeal but imposed the following condition:

“The chalets shall be occupied for tourism purposes only and shall not be occupied as a person’s sole or main residence. The site operator and owners shall maintain an up-to-date register of the names of all owners/occupiers, including their guests, of individual chalets on the site and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.”

20/06/0037 is now a freestanding planning permission which sits in parallel with the original permission 20/02/005. The current application now seeks to remove the occupancy condition to allow unfettered residential occupancy.

10.1.2 The principle of development

The application lies outside the defined settlement limits and is therefore considered to be within the open countryside as identified by Policy SP1 of the Site Allocations and Development Management Plan (SADMP). As such policies CP1, CP8, SP4 and DM2 of the Taunton Deane Core Strategy are considered relevant.

Policy SB1 refers to the settlement boundaries which sets out "*In order to maintain the quality of the rural environment and ensure a sustainable approach to development, proposals outside of the boundaries of settlements identified in Core Strategy policy SP1 will be treated as being within open countryside and assessed against Core Strategy policies CP1, CP8 and DM2 unless:*

- A. *It accords with a specific development plan policy or proposal; or*
 - B. *Is necessary to meet a requirement of environmental or other legislation;*
- and*

In all cases, is designed and sited to minimise landscape and other impacts." The proposal does not meet a specific development plan policy nor is it necessary to meet a requirement of environmental or other legislation as such the proposal will be assessed under policies CP1, CP8 and DM2 as outlined below.

Core Strategy Policy SP1 establishes the desire to provide sustainable development, which focuses development in the most sustainable and accessible locations. This policy states that outside of the settlement boundaries, development will be treated as within the open countryside and therefore Policy DM2 shall be applied. This identifies the type of development considered as acceptable for which open market housing is not supported other than in very specific circumstances. The 5 units were granted permission in the first instance due to their use as holiday lets, which was reconfirmed at the appeal in 2006 when the Inspector reimposed an occupancy use for the holiday use.

The location of is proposal is not identified within SP1 as a major or minor rural centre. It is one of the villages listed that retain settlement boundaries and have no further allocations made through the SADMP but does allow for small scale proposals within the settlement limits. The proposed development is therefore considered contrary to Policy SP1, outside of a defined settlement boundary for Kingston St Mary and not within a sustainable location.

Policy SP1 re-enforces the need to shape "patterns of development to reduce the need to travel, reducing pollution and CO2 emissions". By having defined settlement boundaries, the Local Planning Authority is seeking to apply strict control over sustainability. It is noted that there is a footpath from the site to the centre of the village, however it is likely that the occupiers of the proposed development would be reliant on the private car rather than walking along an unlit footpath, for things other than basic day to day needs. Within the appeal decision, reference

APP/W3330/21/3289579, the Inspector states that the lack of street lighting and continuous footpath connecting the site to the nearest settlement would discourage pedestrians and cyclists from using alternative modes of transport to the private car, this is considered to be the case with the current proposal, it is therefore considered contrary to policy SP1.

Policy DM2 is positively worded and sets out what type of development will be supported in the open countryside of which open market residential is not one. In the case of residential dwellings, the policy is specifically related to replacement dwellings, dwellings linked to agriculture and forestry employment and affordable housing where it can be demonstrated that this cannot be accommodated within the nearest Rural Centre. The proposed development is for none of these. Whilst DM2 does not specify what types of development should be resisted, comments received from the Council's Policy Officer have stated that this "should logically be read into the policy, and it does not mean that other development would thereby be considered acceptable".

Within the justification for Policy DM2 it states that "Tourism is a key element of the local economy, providing around 1500 jobs and generating an estimated £129 million in 2007. The Somerset Delivery Plan recognises the need for sustainability so as not to undermine the local environmental quality." The use of these units as dwellings would result in a loss of tourist income for the site and a reduction in the tourist spend in the area. No justification has been submitted to show that there is no longer a need for holiday lets in the area.

Policy CP1 requires that "development proposals should result in a sustainable environment and will be required to demonstrate that the issues of climate change has been addressed by:

a: Reducing the need to travel through locational decisions and where appropriate, providing a mix of uses: and/or
h: impact on the local community, economy, nature conservation or historical interests does not outweigh the economic and wider environmental benefits of the proposal."

The developments "eco" credentials are noted, as is the care taken to promote biodiversity and sustainable practices such as electric charging points. However, given the location of the proposal, approximately 2.6 miles from the nearest railway station in Taunton, along an unlit road with no cycle path and an irregular bus route, with no safe lit pedestrian route to the village, occupiers of the dwellings would have to travel for everyday activities such as work, school, shops etc. The limited local services, facilities and amenities would increase both the use and reliance on the private car which is contrary to policy.

Policy A5 relates to accessibility, the policy states that residential development should be within walking distance of, or should have access by public transport to, a wide range of services and facilities. The proposed dwellings would be outside the settlement boundary, although not isolated from other dwellings, there is no safe walking route to facilities and an irregular bus service. The proposal is therefore considered contrary to both policies CP1 and A5.

Policy CP8 states that "Development outside of settlement boundaries will be permitted in a limited number of circumstances and are subject to a number of criteria including "be appropriate in terms of scale, siting and design: and protect,

conserve or enhance the landscape and town scape character whilst maintaining green wedges and open breaks between settlements. and provide for any necessary mitigation measures". The removal of the Condition no. 5 relating to holiday occupancy on four of the units would not significantly change the appearance of the buildings and is considered to comply with policy CP8 of the Taunton Deane Core Strategy.

Policy SP4 states that "Growth in the rest of the borough will be limited, respecting and reflecting the rural character and sustainability considerations". The policy goes on to state that "it is vital that any development respects the integrity of the countryside". The proposed removal of Condition no. 5 to allow for residential occupancy would be in conflict with Policy SP4 in that it is outside settlement limits which would not respect the rural character or sustainability considerations and would be detrimental to the visual amenity of the area.

Paragraph 84 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or rear their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused building and enhance its immediate setting;
- d) the development would involve the sub-division of an existing residential building; or
- e) the design is of exception quality, in that it
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areal and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

The proposal to remove the tourist condition and to allow open market residential occupancy is considered contrary to the above paragraph and the general sustainability principles of the NPPF.

Given the above it is considered that the proposal would be in conflict with policies SP1, SB1, SP4, CP1, DM2 and A5 and is unacceptable in terms of policy, given the location of the proposals.

10.1.3 Affordable Housing

The proposal for Plots 15-18 does not include any affordable housing provision. The reference to the affordable housing within the supporting documents, is in respect to the separate application (reference 20/23/0045) relating to plots 19 and 20. Policy does not require affordable provision for developments of this size as the number of units proposed is below the threshold.

A number of comments received state that the proposal would provide affordable housing, but this is not the case for the reasons set out above.

10.1.4 SHLAA and Five Year Housing Land Supply:

The latest housing land supply position is published in the 2023 SHLAA for Somerset West Area (formerly Somerset West and Taunton). For the former Taunton Deane LPA the Housing Land Supply is 5.16. Therefore, the 'tilted balance in Paragraph 11(d) of the NPPF is not applicable as a five year housing land supply can be demonstrated.

10.1.5 Kingston St Mary Neighbourhood Plan

The Planning Practice Guidance states that "An emerging neighbourhood plan is likely to be a material consideration in many cases. Paragraph 48 of the revised National Planning Policy Framework sets out that weight may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies." Ref ID 41-007-20190509.

The Kingston St Mary Neighbourhood Plan is at Examination. The Regulation 16 consultation finished on Friday 19 January 2024. No significant objections to the policies in the Neighbourhood Plan were received during that consultation. The Examination will establish the degree of consistency with the NPPF, TDBC Core Strategy and TDBC Site Allocations and Development Management Plan.

The emerging Kingston St Mary Neighbourhood Plan (KSMNP) proposes a change to the settlement limit, and have produced a supporting document. However, the Neighbourhood Plan makes clear that this is unlikely to be adopted until the new unitary authority has a new Local Plan, as stated on page 67 of the KSMNP:

"Alterations to Settlement Boundary It is also worth noting that submissions have been made by the Parish Council in respect of the Settlement boundary. In relation to the settlement boundary the Parish Council requested in 2021 for Kingston St Mary village's settlement boundary to be extended (see the Settlement Boundary report in Supporting Guidance). However, this change, if accepted, is unlikely to be adopted until the new Unitary authority creates a new Local Plan"

At this stage the Neighbourhood Plan carries little weight as a material consideration.

10.1.6 Highways

There is an extant permission to build out the four units as holiday lets and it is considered that the proposal would increase the number of vehicle movements including those from deliveries. However, there is an existing access with good visibility splays and space for vehicles to pass off the highway. It is considered that the proposal would not result in an unacceptable rise in vehicle movements.

10.1.7 Visual impact

It is considered that the removal of the holiday occupancy condition could increase the domestic paraphernalia associated with full time, permanent residential occupancy. However, the site is well screened from public viewpoints and the highway and therefore the proposal is not considered to give rise to a significant impact upon the visual amenity of the area.

10.1.8 Residential impact

It is considered that the proposed development would not have a significant impact upon the residential amenity of the surrounding properties due to its location outside of the village. The four residential units would be located in an area removed from the holiday units at the far end of the site grouped around a roundabout. It is considered that due to this separation that there would not be a significant impact upon the residential amenity of the future occupiers.

10.1.9 Self build.

In response to the agent raising the question of “self-build” guidance from the planning policy team was sought which stated the following: *“The former TDBC area does not have a specific policy on Self-Build or Custom-Housebuilding (SCB). The Core Strategy seeks a mix of new housing types, sizes and tenures to meet the needs of the former Borough (Policy CP4). SCB would be part of that mix of housing. There are many types of SCB housing which results in a very broad definition. I understand that the applicant has asked if they can condition units to those on the Register of Interest. I would advise against such a condition because whilst the Register of Interest is one tool that indicates interest in SCB it is not an exhaustive list, and planning permission for SCB is not precluded if someone is not on the Register of Interest. In addition, it is worth noting that since the Council has maintained a Register of Interest it has granted more permissions or permissions in principal than number of plots indicated by the Register. The Council will be commissioning a Local Housing Needs Assessment and Strategic Housing Market Area study as part of the Local Plan to establish more accurate requirements for SCB.”* It is therefore considered that whilst SCB can form a sought after and welcome addition to a tenure mix, the benefits do not outweigh the concerns outlined above.

10.1.10 Conclusion

For the reason stated above it is considered that the application should be refused, as the location is outside of settlement limits within the open countryside and contrary to policies DM2, SD4 and CP1 of the Taunton Deane Core Strategy and policies SP1, A5 and SB1 of the Taunton Deane Site Allocations and Development Management Plan.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

N/A

12 Planning balance and conclusion

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "*clear reason for refusing the development proposed*" or where the benefits of the proposed development are "*significantly and demonstrably*" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

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 – Reason/s for Refusal

- 1 The proposed development is outside any defined settlement limits and therefore falls within open countryside. The site is located in an unsustainable location where future occupiers would be heavily reliant on the private car to access facilities and amenities that are not available within close proximity to the site. The proposed is therefore contrary to policies DM2, SD1, SP4 and CP1 of the Taunton Deane Core Strategy and policies A5, SP1 and SB1 of the Taunton Deane Site Allocations and Development Management Plan and Paragraph 84 of the National Planning Policy Framework.

Notes to applicant.

In accordance with paragraph 38 of the National Planning Policy Framework 2023 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.



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Application Details	
Application Reference Number:	38/22/0344
Application Type:	Full Planning Permission
Earliest decision date:	01 December 2022
Expiry Date	26 December 2022
Extension of time	3 March 2023
Decision Level	Committee
Description:	Demolition of outbuilding and erection of a 1 No. detached dwelling at Weir Lodge, Staplegrove Road, Taunton
Site Address:	WEIR LODGE, 83 STAPLEGROVE ROAD, TAUNTON, TA1 1DN
Parish:	38
Conservation Area:	Staplegrove Road, Taunton
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	No
Case Officer:	Mr G Clifford
Agent:	
Applicant:	MR S VEN
Committee Date:	
Reason for reporting application to Committee	Call in by Chair

1. Recommendation

1.1 That permission be REFUSED.

2. Executive Summary of key reasons for recommendation

2.1 This application was deferred from the Council Planning West Committee meeting in October 2023 to seek a phosphate solution. The Committee resolved that if planning permission had not been granted by the date of the February 2024 meeting of the Committee that the application be brought back to the Committee for further consideration and determination.

While the applicant has put forward the intention to seek a phosphate credit solution this is through a third party that does not have recognised legal agreement with the Council Phosphate Team that would enable the matter to be subject to a Grampian condition. This option is the favoured one that is still being pursued and a legal agreement has to be in place before credits can be assigned to this scheme. The potential alternative solution would require the shadow HRA to be approved by Natural England and then a legal agreement sought between all the relevant parties. The report as previously presented to Members is set out below.

2.2 The application was originally considered by the former Somerset West & Taunton Planning Committee at its meeting held on 30 March 2023. At that meeting it was resolved on a casting vote that the Committee was minded to grant planning permission. The Committee proposed to give delegated authority to officers to approve the application, subject to the resolution of the phosphates issue and the imposition of necessary conditions. Following the Committee complaints were lodged by some councillors against other members of the committee. The complaints were investigated by the Council's Solicitor and Deputy Monitoring Officer and were subsequently closed with no further action necessary.

2.3 In view of complaint and that a suitable phosphate mitigation solution has not been forthcoming the application was brought back to Committee in October 2023 for redetermination. As stated above the Committee deferred determination of the application. The associated listed building consent application is also included on this agenda.

2.4 The proposed dwelling is recommended for refusal as it would detract from the setting of the listed building and the character of the conservation area; that it lies in a flood risk zone; and there is no phosphate mitigation solution. Therefore, it is contrary to Development Plan policies and the benefits of a single dwelling do not outweigh the harm. Furthermore, the absence of phosphate mitigation means the Council is unable to fulfil its statutory duty under Regulation 63 the Conservation of Habitats and Species Regulations 2017.

3. Reasons for refusal and informatives

3.1 (As stated in full text in appendix 1)

3.2 Informatives (bullet point only)

3.2.1 Proactive Statement

3.3 Obligations

N/a

4. Proposed development, site and surroundings

4.1 Details of proposal

The proposal is to erect a two storey 3 bedroomed detached dwelling and form associated rear gardens to the rear of the listed building and attached conversions at Weir Lodge. The works would also involve the removal of an outbuilding to facilitate the works, although this already has consent for removal. The new dwelling would be set into the boundary wall to the rear of the listed building.

4.2 Sites and surroundings

The site forms part of the rear garden of Weir Lodge, a grade II listed building set within the Staplegrove Road conservation area. The main road lies to the east,

Weirfield Green to the north and beyond that 87 Staplegrove Road, also a listed building. More modern housing lie to the west on the new estate.

5. Relevant Planning (and enforcement) history

Reference	Description	Decision	Date
38/08/0524	DEMOLITION OF MODERN EXTENSION, CONVERSION AND EXTENSION OF BUILDING INTO 7 RESIDENTIAL DWELLINGS AT WEIR LODGE, 83 STAPLEGROVE ROAD, TAUNTON AS AMENDED BY LETTER DATED 7 JANUARY AND PLANS 5592/LO1C & PD02D	CA	22/1/2009
38/10/0268	CONVERSION AND RESTORATION TO SINGLE DWELLING, 2 NO STABLE COTTAGES AND INTERNAL SELF CONTAINED APARTMENT INCLUDING INSTALLATION OF EXTERNAL STAIR AND DEMOLITION OF OUTBUILDINGS AT WEIR LODGE, 83 STAPLEGROVE ROAD, TAUNTON AS AMENDED	CA	18/10/2010
38/16/0258	Replacement garage, erection of extension and alterations to harness building and western boundary wall, construction of access to northern boundary, erection of fencing and restoration of verandah at Weirfield Lodge, 83 Staplegrove Road, Taunton	CA	26/1/2017
38/22/0345LB	Demolition of outbuilding and erection of a 1 No. detached dwelling at Weir Lodge, Staplegrove Road, Taunton	RF	24/2/2023

38/19/0205ENQ - A pre-app for a new dwelling in the current location was enquired about and it was advised it would be unacceptable due to the impact on the listed building and the character of the conservation area.

6. Environmental Impact Assessment

Not required

7. Habitats Regulations Assessment

Required as this would entail a new dwelling that would add to the phosphate load draining to the Somerset Levels and Moors catchment.

8. Consultation and Representations

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

8.1 Date of consultation: 31 October 2022

8.2 Date of revised consultation (if applicable):

8.3 Press Date: 10 November 2022

8.4 Site Notice Date: 14 November 2022

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

Consultee	Comment	Officer Comment
SCC - ECOLOGY	Survey is out of date - otherwise would need bat and bird informatives and a biodiversity enhancement condition.	10.1.8
SOMERSET WILDLIFE TRUST	We support the findings and recommendation in the Assessment report.	10.1.8
SCC - TRANSPORT DEVELOPMENT GROUP	Refer to standing advice.	10.1.4
WESSEX WATER	There must be no surface water connections into the combined sewer where a public surface water sewer is available. Surface water must be disposed of via the SuDS hierarchy.	10.1.9
ENVIRONMENT AGENCY	Provided the sequential test is passed the EA withdraws its earlier objection and recommends a condition.	10.1.9

8.6 **Internal Consultees** the following were consulted:

Consultee	Comment	Officer comment
HERITAGE	Recommend refusal as will harm the setting of listed buildings and character of the conservation area.	10.1.5 and 10.2

8.7 **Local representations**

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

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

Material Planning Considerations	
Objections	Officer Comment
Support	Officer comment
Great idea	10.1.1
Will be an improvement to current eyesore and beneficial to neighbourhood	10.1.5
Would give more garden space	10.1.8
Would enhance the conservation area.	10.1.5 and 10.2

Ward Cllr Sully - The building in question to be demolished is out of character in a conservation area and would not gain planning permission in today's planning environment (eye sore of a building). The proposed application seeks to address this issue with a well designed 3 bedroom property which is much needed in the area, an improvement to the current street scene, and a positive enhancement to the conservation area and setting of the listed building adjacent.

Cllr Perry - To my mind, the building which is proposed for development contributes nothing to the character of the area which the conservation status is designed to preserve and protect. The building is poor quality mid twentieth century building of utilitarian design and low architectural value which, if anything, diminishes the character of the area in which it is located. To my mind, to remove this building and to replace it with much needed residential accommodation of a design which is sensitive to the character of the conservation area would represent an obvious net gain in terms of conservation objectives while providing housing without loss of green space.

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:

CP1 - Climate change,
CP4 - Housing,
CP6 - Transport and accessibility,
CP8 - Environment,
DM1 - General requirements,
DM4 - Design,
DM5 - Use of resources and sustainable design,
SP1 - Sustainable development locations,
SD1 - Presumption in favour of sustainable development,
A1 - Parking Requirements,
D2 - Approach routes to Taunton and Wellington,
D7 - Design quality,
D8 - Safety,
D10 - Dwelling Sizes,
D12 - Amenity space,
ENV1 - Protection of trees, woodland, orchards and hedgerows,
ENV2 - Tree planting within new developments,
I4 - Water infrastructure,

Supplementary Planning Documents

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).

Staplegrave Road Conservation Area Appraisal, Adopted April 2007

Neighbourhood plans:

None

9.1 National Planning Policy Framework

Sections 2, 4, 5, 12, 14, 15 and 16

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 site lies within the built up area of the town where development is normally acceptable in principle subject to material considerations. Thus while the site would be appropriate under policies CP4 and SP1 of the Core Strategy, it however lies within a conservation area, within the curtilage of a listed building and within a flood risk zone.

10.1.2 Design of the proposal

The proposal is for a two storey narrow designed property, set into the existing boundary wall to the rear of the listed building adjacent to the road. It would have a pitched roof, shallower than the surrounding vernacular and is designed with openings east and west to avoid overlooking and has a stepped access from the road to avoid flooding. The latter issues increases the height above the current site level by 0.62m. It would be constructed in brick with a slate roof and measure approximately 5.6m x 10.6m. A vehicular access is proposed off Weirfield Green and while this will provide a single parking space it will add to the loss of boundary wall in this location further impacting on the setting of the listed building. The design is considered an alien feature in the rear of a listed building that does not respect the character of the conservation area or the setting of adjacent heritage assets. The building to be removed does not add to the character of the area and this could be removed at any time. However provision of a new build into the garden wall on the roadside does nothing to enhance the conservation area or the setting of the listed building and is considered harmful.

10.1.3 Quality of Accommodation

The accommodation meets the space and amenity requirements of policies D10 and D12 of the Site Allocations and Development Management Plan (SADMP).

10.1.4 Access, Highway Safety and Parking Provision

The proposal utilises a new access off Weirfield Green to serve a single parking space. Given the central location the provision of a single space is considered acceptable in light of policy A1, as, on balance, is the lack of turning space given the road it adjoins and the permission previously granted for an access to the main building.

10.1.5 The impact on the character and appearance of the locality

The proposal would result in a detached dwelling right on the corner up to the back of the footway and this is considered out of keeping with the character of development within the conservation area contrary to policy CP8. The host property is a grade II listed building and is a large property with attached outbuildings in a substantial curtilage. The current property already has an outbuilding to the west as well as the former stable and coach house that have been converted to residential. It is not accepted that the proposal reflects the type of built form characteristic of a building of this time. Certainly there are no other such prominent outbuildings within the conservation area. The proposal would reduce the historic space around the building and the removal of an existing detached single storey structure which the owner has failed to remove under the previous permission, does not compensate for

the harm created by the new build two storey dwelling. The dwelling would be constructed into the boundary wall on the corner of the plot and would be highly visible from the main road and detract from the setting of the main house and the listed cottages at No. 87 Staplegrove Road. It would also constitute an alien design in the street scene set into the boundary wall of the listed building that would detract from the approach road into town contrary to policies DM1d of the Core Strategy and D2 of the SADMP.

10.1.6 The impact on neighbouring residential amenity

While the design of the new dwelling has windows facing east and west to avoid overlooking, the new dwelling would create a blank gable facing the converted outbuildings of the existing property and would be overbearing to the garden of the existing properties. While the impact of removing the unsympathetic outbuilding would be a benefit, this was shown as removed on the plans of the 2010 permission and technically is in breach of these, although this work can still be carried out. It is not considered appropriate to use this as justification for the erection of a further dwelling within this listed curtilage.

10.1.7 The impact on trees and landscaping

The proposal indicates the minor loss of trees and shrubs to the roadside of the property, however replacements could be conditioned if other aspects of the development were considered acceptable.

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

The applicant has submitted a Preliminary Bat Roost Assessment, although this is now out of date. On the basis of this there would probably be a need for bat and bird informatives and a condition with regard to biodiversity enhancement. The proposal would give more garden space than at present which would be beneficial for wildlife. It is not considered appropriate to seek a renewed survey in light of other matters being unacceptable.

The site lies within the Somerset Levels and Moors Catchment where an individual dwelling will increase the phosphate load and Natural England has issued a letter preventing worsening of the habitat.

Somerset Council, as the competent authority under The Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') must be certain beyond a reasonable scientific doubt that any new residential development will not have an adverse impact upon the Somerset Levels and Moors Ramsar Site. To do this, the proposed development must be 'nutrient neutral', demonstrated through an HRA, before planning permission can be granted.

The applicant has completed the Phosphate calculator, however it is not demonstrated that the scheme would adequately mitigate the phosphates produced to ensure nutrient neutrality in perpetuity and not harm the Somerset Levels and Moors Ramsar site. Therefore, planning permission should not be granted.

10.1.9 Flood risk and energy efficiency

The site lies within flood risk zone 3a where both the sequential and exception tests would apply. The initial FRA carried out a Sequential Test, however it failed to recognise a site further up Staplegrove Road where new housing has been granted that is not in a flood risk zone. The current proposal is for a single additional dwelling and it is considered that as there are other potential sites within the town that could provide such a unit not within flood risk zone 3, then the development would fail the sequential test and be unacceptable. To try and address flood risk the design incorporates over 0.6m increase in floor level over the existing site level. It is argued removal of an existing building will create flood storage to offset the new build. The EA has withdrawn its initial objection subject to the sequential test being met. The surface water is designed to be dealt with via permeable paving and an underground attenuation storage tank with hydrobrake to restrict drainage to 1l/s. The proposed dwelling is intended to be zero carbon and adopts a fabric first approach, limiting the surface area of the building and providing no window openings on the northern elevation. However there is no indication of any renewable technologies being utilised.

10.2 Heritage impact

Applications for planning permission affecting a listed building or its setting must be determined in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that “In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses”. Also applications for development in a conservation area must be considered with regard to the general duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

The conservation area is characterised by uniform streets of high-class Victorian houses with garden plots, the former school site and the designed square providing a verdant element to the character. Individual dwellings are the exception, with only a few on the corner of Staplegrove Road. These properties are distinctive in their large plots and the listing description for Weir Lodge mentions its own grounds. The previous 2008 scheme did not provide a new detached dwelling but altered and converted the main house and outbuildings. As the roof of the existing outbuilding has a low pitch, this corner contributes to the verdant and open character of the conservation area. Therefore, the construction of a dwelling in this location would alter the character of this part of the conservation area and the setting of the adjacent listed and locally listed buildings contrary to policy CP8 and DM1d. In light of the duties quoted above this has significant weight and while it may be considered less than substantial harm, the benefit of a single dwelling here, even if it were carbon zero, together with the outbuilding removal is not considered to outweigh that harm.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Creation of a dwelling is CIL liable regardless of size.

This proposed development measures approximately 100 sqm.

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £7,000.00. With index linking this increases to approximately £10,000.00.

12 Planning balance and conclusion

12.1 The proposed dwelling is considered to be detrimental to the setting of heritage assets and to be detrimental to the character of the street scene contrary to Core Strategy policies CP8 and DM1d. It would also build on land at the risk of flooding and no adequate phosphate solution has been proposed. The public benefit of a single detached dwelling, enhanced garden and the limited construction jobs this would bring is not considered to outweigh the harm to heritage assets as required in the NPPF.

Furthermore, the applicant has not demonstrated that the scheme would adequately mitigate the phosphates produced to ensure nutrient neutrality in perpetuity and not harm the Somerset Levels and Moors Ramsar site. Somerset Council, as the competent authority under The Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') cannot be certain beyond a reasonable scientific doubt that the new residential development will not have an adverse impact upon the Somerset Levels and Moors Ramsar Site. Therefore, planning permission should not be granted.

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 – Reason/s for Refusal

- 1 The proposed dwelling is considered to be an alien design in the street scene adversely impacting on the character and setting of the existing listed building and the character of the conservation area contrary to policies CP8 and DM1d of the Core Strategy and policy D2 of the Site Allocations and Development Management Plan and it is not considered that the harm is outweighed by the benefits.

- 2 The proposed development has the potential to adversely affect the integrity of the Somerset Levels and Moors Ramsar site by adding to the concentration of phosphates in an area where they are already excessive. In the absence of technical information evidencing the level of phosphates generated by the development, and mitigation measures to demonstrate that phosphate neutrality can be achieved, the Local Planning Authority is unable to conclude beyond all reasonable scientific doubt that the proposed development would not have an adverse effect on the integrity of the Ramsar site. It is therefore not possible for the Local Planning Authority to conclude a favourable Habitat Regulations Assessment and fulfil its statutory duty under Regulation 63 the Conservation of Habitats and Species Regulations 2017.

As such the proposal is contrary to Policies CP8 (Environment) and DM1c (General requirements) of the adopted Taunton Deane Core Strategy and Paras. 180-182 of the NPPF.

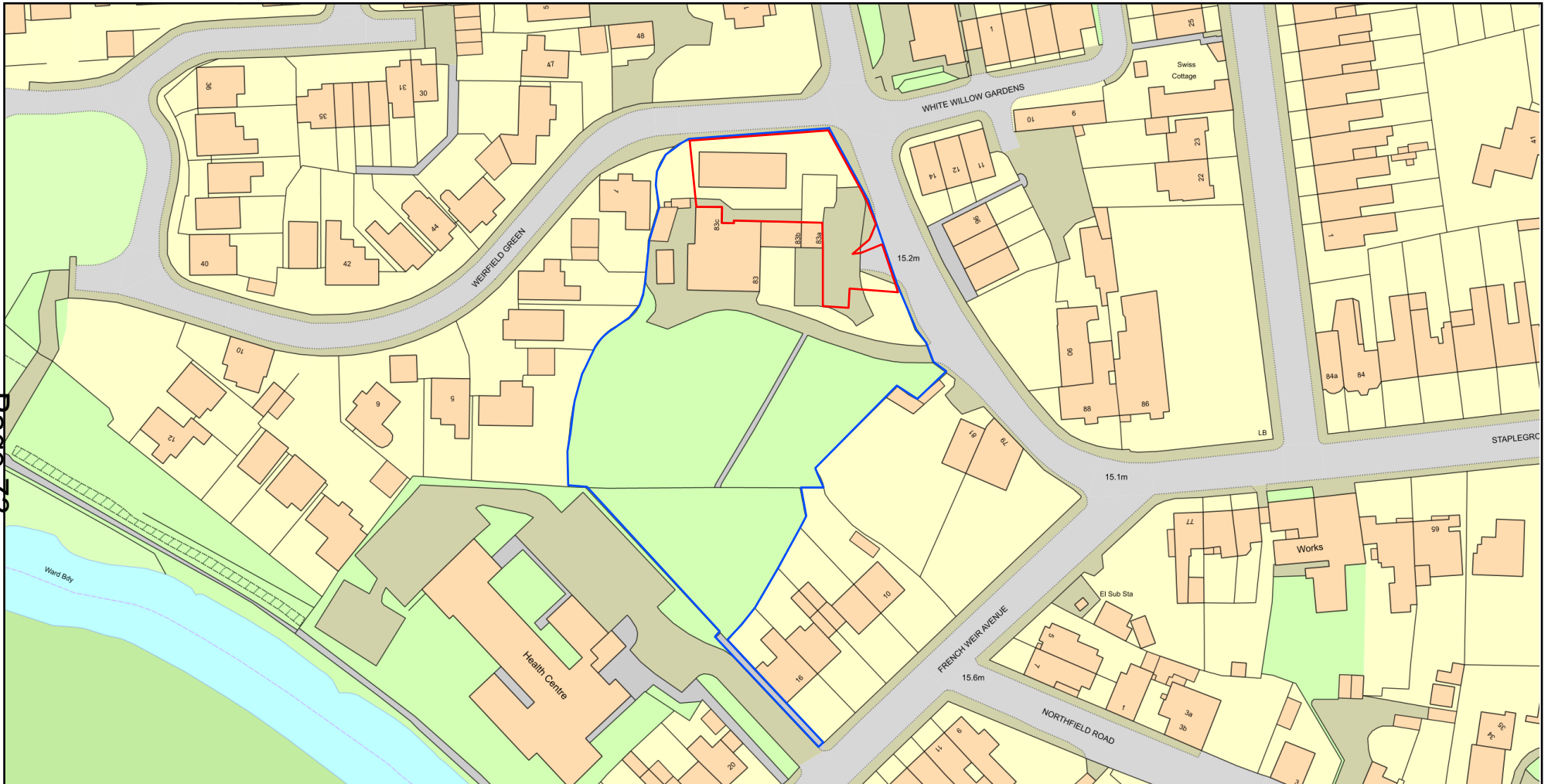
- 3 The proposed development falls within flood risk zone 3a where government advice in the NPPF is to direct development away from areas of high risk and this is reflected in policy CP8 of the Core Strategy. The development is for a dwelling within the property of an existing dwelling within the flood risk zone when there is an alternative site not within the flood risk zone on land to the north off Staplegrove Road and so the proposal is considered to fail the Sequential Test and to be inappropriate development in this location.

Notes to applicant.

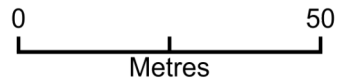
1. In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council has worked in a positive and creative way with the applicant and entered into pre-application discussions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

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Location Plan: Demolition of Outbuilding & Proposed New Hse Staplegrove Rd



Page 73



Plan Produced for: S Ven MRTPI
Date Produced: 19 Dec 2022
Plan Reference Number: TQRQM22353131033120
Scale: 1:1250 @ A4
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Agenda Item 9

Application Reference Number:	38/23/0103/LB
Application Type:	Listed Building Consent: Works
Earliest decision date:	27 April 2023
Expiry Date	23 May 2023
Extension of time	
Decision Level	Committee
Description:	Demolition of outbuilding and erection of a 1 No. detached dwelling at Weir Lodge, Staplegrove Road, Taunton (resubmission of 38/22/0345LB)
Site Address:	WEIR LODGE, 83 STAPLEGROVE ROAD, TAUNTON, TA1 1DN
Parish:	38
Conservation Area:	Staplegrove Road, Taunton
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	No
Case Officer:	Mr G Clifford
Agent:	
Applicant:	MR S VEN
Committee Date:	
Reason for reporting application to Committee	Triggered by a Councillor and Chair

1. Recommendation

1.1 That listed building consent be REFUSED

2. Executive Summary of key reasons for recommendation

2.1 The proposed dwelling would detract from the character and setting of the listed building contrary to Core Strategy policies and the benefits of a single dwelling do not outweigh the harm. The application was reported to the Committee in October 2023 where it was resolved to defer and to be reported back to the Committee no later than February 2024.

3. Reason for refusal and informatives

3.1 (Reason for refusal in full text in appendix 1)

3.2 Informatives (bullet point only)

3.2.1 Proactive Statement

3.3 Obligations

N/a

4. Proposed development, site and surroundings

4.1 Details of proposal

The proposal is to erect a two storey 3 bedroomed detached dwelling and form associated rear gardens to the rear of the listed building and attached conversions at Weir Lodge. The works would also involve the removal of an outbuilding to facilitate the works, although this already has consent for removal. The new dwelling would be set into the boundary wall to the rear of the listed building and would involve a removal of two sections of this boundary wall. The scheme is for listed building consent associated with planning application 38/22/0344.

4.2 Sites and surroundings

The site forms part of the rear garden of Weir Lodge a grade II listed building set within the Staplegrove Road conservation area. The main road lies to the east, Weirfield Green to the north and beyond that 87 Staplegrove Road, also a listed building. More modern housing lies to the west on the new estate.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
38/08/0294LB	Demolition of extension and outbuildings and conversion and extensions to form 7 dwellings at Weir Lodge, 83 Staplegrove Road, Taunton as amplified by letters dated 7/7/08 and 1/8/08 and letter and plans 5592/101b, pd01a & pd02c received 7/8/08	CA	8/8/2008
38/10/0218LB	Conversion and restoration to single dwelling, 2 no Stable cottages and internal self contained apartment including installation of external stair and demolition of outbuildings at Weir Lodge, 83 Staplegrove Road, Taunton as amended	CA	13/9/2010
38/16/0259LB	Replacement garage, erection of extension and alterations to harness building and western boundary wall, construction of access to northern boundary, erection of fencing and restoration of verandah at Weirfield Lodge, 83 Staplegrove Road, Taunton	CA	26/1/2017

38/22/0345LB	Demolition of outbuilding and erection of a 1 No. detached dwelling at Weir Lodge, Staplegrove Road, Taunton	RF	24/2/2023
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38/19/0205ENQ - A pre-app for a new dwelling in the current location was enquired about and it was advised it would be unacceptable due to the impact on the listed building and the character of the conservation area.

6. Environmental Impact Assessment

Not required

7. Habitats Regulations Assessment

Not required in respect of Listed Building works

8. Consultation and Representations

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

8.1 Date of consultation: 28 March 2023

8.2 Date of revised consultation (if applicable):

8.3 Press Date: 06 April 2023

8.4 Site Notice Date: 06 April 2023

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

Consultee	Comment	Officer Comment
HERITAGE	Recommend refusal as public benefits do not outweigh the harm to the listed building and its setting.	10.2
Taunton Town Council	No comments	

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.

One letter from Cllr Sully has been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer comment
Support	Officer comment
Listed building works comprise demolition of outbuilding and alterations to garden wall and conservation impacts are not relevant Conservation Officer did not identify harm and expert heritage advice is that harm is outweighed by removal of the outbuilding.	10.2 The Conservation Officer does identify harm and advises the harm is not outweighed by the benefits.

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).

As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council will be bringing forward a Local Development Scheme to agree the timetable for the preparation of the local plan and scope in due course.

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

CP8 - Environment,
DM1 - General requirements,
DM4 - Design,

SD1 - Presumption in favour of sustainable development,
D7 - Design quality,

Supplementary Planning Documents

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:
None

9.1 National Planning Policy Framework
Sections 2, 4, 12 and 16

10. Material Planning Considerations

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

10.1.1 Design of the proposal

The proposal is for a two storey narrow designed property, set into the existing boundary wall to the rear of the listed building adjacent to the road. It would have a pitched roof, shallower than the surrounding vernacular and is designed with openings east and west and has a stepped access from the road to avoid flooding. It would be constructed in brick with a slate roof and measure approximately 5.6m x 10.6m. A vehicular access is proposed off Weirfield Green and this will add to the loss of boundary wall in this location further impacting on the setting of the listed building.

10.1.2 The impact on the character and appearance of the locality

The proposal would result in a detached dwelling right on the corner up to the back of the footway and this is considered out of keeping with the character of development within the conservation area contrary to policies CP8 and DM1d. The host property is a grade II listed building and is a large property with attached outbuildings in a substantial curtilage. The proposal would reduce the historic space around the building and the removal of an existing detached structure which the owner has failed to remove under the previous permission, does not compensate for the harm created by the new build dwelling. The dwelling would be constructed into the listed boundary wall on the corner of the plot and would be highly visible from the main road and detract from the setting of the main listed building as well as the listed cottages at No. 87 Staplegrove Road.

10.2 Heritage impact

Applications for listed building consent must be determined in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 16 of the National Planning Policy Framework. This requires that in considering whether to grant listed building consent, the Local Planning Authority “shall 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”. In this instance the proposal would significantly alter the rear boundary wall of the listed building and insert a new dwelling into the wall and back garden. The new dwelling would appear out of keeping and would dominate the existing listed attached outbuildings that have previously been converted to dwellings. The previous 2008 scheme did not provide a new detached dwelling but altered and converted the main house and outbuildings. The current proposal would impact on the open space to the rear of the building and it is not considered this is offset by the removal of a lower building that should already have been removed from the site under a previous permission.

The Conservation Officer considers the corner position of the proposed building is prominent and intrusive within both the setting of the listed buildings as well as the conservation area and street scene along this part of Staplegrove Road. The proposed height of the building, despite having a low pitch, competes with the lower elements of Weir Lodge, especially when viewed from Weirfield Gardens, where it partially obscures Stable Cottage. Materially, the earlier properties are of stone rubble or stucco with soft red and yellow bricks featuring in most of the terraces, with sandstone detailing. Hard red bricks identify the later development. A theme of decorated facades is evident, with ridges and chimneys forming part of the decorative elements and sash windows predominate. Although the proposals include brick with a slate roof, modern bricks are likely to look at odds with the surrounding buildings in this location. The form of the windows and size of the ground floor glazing are also at odds with the prevalent characteristics of the area. The form of the proposal is non-descript and has no distinguishing features to enhance the appearance of this element of the conservation area.

The proposal is considered to harm the character of the existing boundary wall, to harm the setting of the host dwelling and the setting of nearby heritage assets contrary to policy CP8. In light of the duties quoted above this has significant weight and while it may be considered less than substantial harm, the benefit of a single dwelling here is not considered to outweigh that harm.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

N/a

12 Planning balance and conclusion

12.1 Applications for listed building consent must be determined in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 16 of the National Planning Policy Framework. The works involve harm to a listed building and the setting of other heritage assets contrary to policy CP8 and DM1d of the Core Strategy and the benefit of the development is not considered to outweigh the harm. Adverse impact on heritage assets has to be given significant weight is not outweighed by the limited public benefit of a single dwelling.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that listed building consent 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 – Reason/s for Refusal

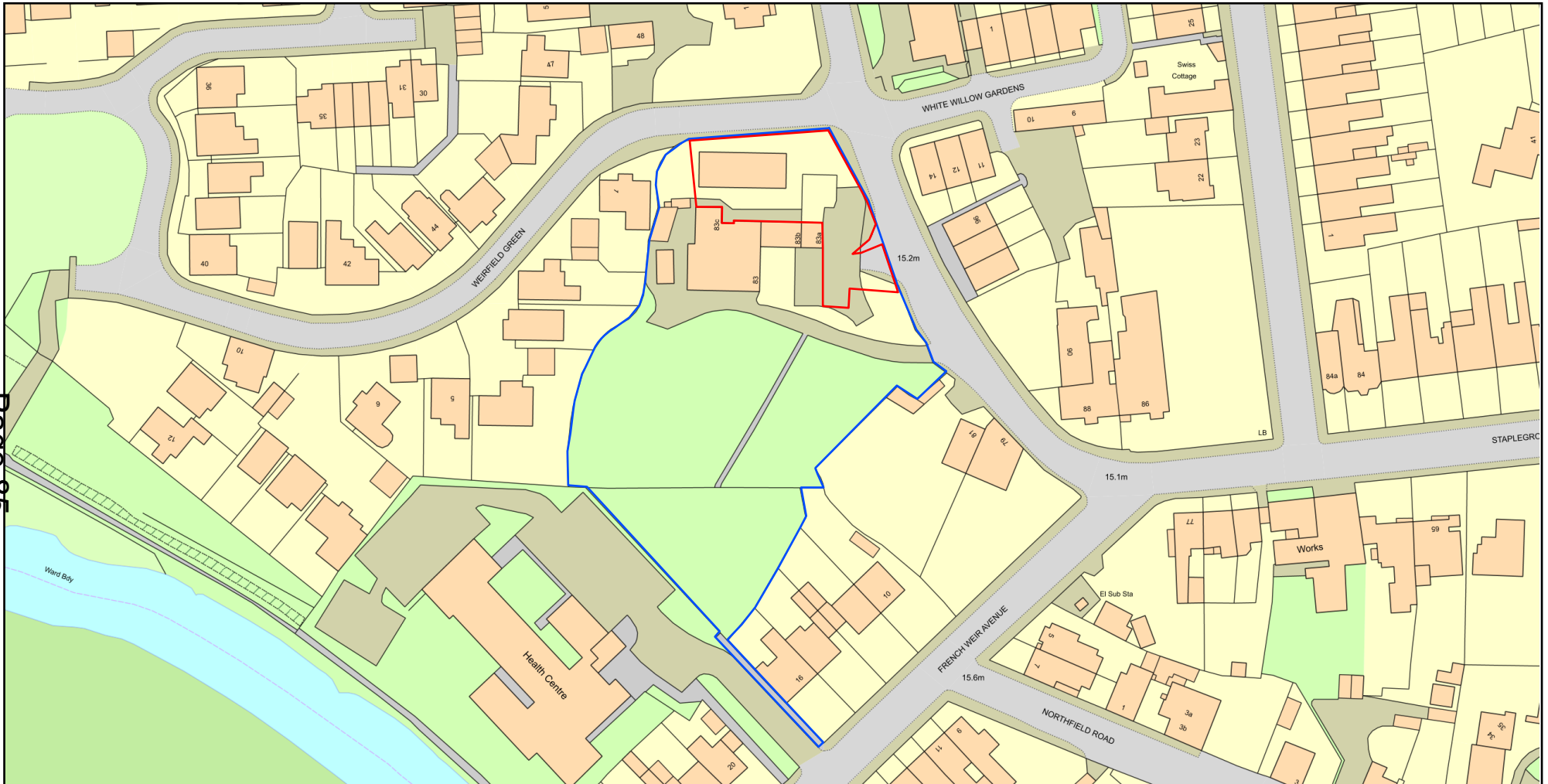
- 1 The proposed dwelling is considered an alien feature in the garden and to adversely impact on the character and setting of the existing listed building and nearby heritage assets as well as the character of the conservation area contrary to policies CP8 and DM1d of the Core Strategy and it is not considered that the harm is outweighed by the benefits.

Notes to applicant.

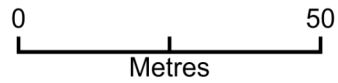
1. In accordance with paragraph 38 of the National Planning Policy Framework 2023 the Council has worked in a positive and creative way with the applicant and entered into pre-application discussions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

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Location Plan: Demolition of Outbuilding & Proposed New Hse Staplegrove Rd



Page 85



Plan Produced for: S Ven MRTPI

Date Produced: 19 Dec 2022

Plan Reference Number: TQRQM22353131033120

Scale: 1:1250 @ A4

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Application Details	
Application Reference Number:	24/22/0053
Application Type:	Full Planning Permission
Earliest decision date:	10 January 2023
Expiry Date	12 January 2023
Extension of time	26 January 2024
Decision Level	Committee
Description:	Change of use of equestrian land to tourism with siting of 2 No. glamping pods with amenity space, parking and EV points on land to the northwest of 32 Greenway, North Curry (resubmission of 24/22/0014)
Site Address:	LAND TO THE NORTHWEST OF 32 GREENWAY, NORTH CURRY
Parish:	24
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	No
Case Officer:	Mr G Clifford
Agent:	
Applicant:	MRS K BAKER
Committee Date:	
Reason for reporting application to Committee	Chair referral

1. Recommendation

1.1 Conditional Approval subject to a legal agreement to secure the necessary phosphate mitigation.

2. Executive Summary of key reasons for recommendation

2.1 The proposed small scale holiday use is not considered to cause harm to landscape, highway safety, residential amenity or wildlife.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

Time limit
 Approved Plans
 Hedge protection
 Access closure
 Access surfacing
 Visibility
 Gates set back

Cycle storage
 EV charging
 Landscaping
 Stone surface details
 Holiday use

3.2 Informatives (bullet point only) _

3.2.1 Proactive Statement and highways licence

3.3 Obligations

Legal agreement to secure off site mitigation for phosphates

4. Proposed development, site and surroundings

4.1 Details of proposal

The proposal is to erect two glamping pods for holiday purposes on land off Greenway. The pods are around 6.5m in diameter and have a raised deck 0.5m high and 2m wide partially around the outside. The pods are around 4.5m high. Access will be via an existing field gate and the proposal closes off the existing vehicular access onto Oxen Lane. Parking for the site would be to the north adjacent to the well established field boundary and a stone track would be formed running from the parking area west and then south to the pods.

4.2 Sites and surroundings _

The site is currently a gently sloping grass field used for horse grazing that has access to the north east off Oxen Lane. An access via a field gate also exists to the Greenway road to the south.

5. Planning (and enforcement) history on adjacent site

Reference	Description	Decision	Date
24/22/0014	Change of use of equestrian land to tourism with siting of 3 No. glamping pods with amenity space, parking and EV points on land to the northwest of 32 Greenway, North Curry	WD	31/5/2022
24/14/0054	CHANGE OF USE OF LAND TO 1 No ROMANY GYPSY PITCH TO SITE 1 No MOBILE HOME, 1 NO TOURING CARAVAN, ERECTION OF DAY ROOM, INSTALLATION OF SEPTIC TANK, HARDSTANDING AND ASSOCIATED WORKS AT PITCH 16, OXEN LANE, GREENACRES, NORTH CURRY	RF	1/4/2015
24/06/0043	CHANGE OF USE OF LAND FOR THE SITING OF ONE TOURING CARAVAN AND ONE MOBILE HOME FOR GYPSY OCCUPATION AND THE ERECTION OF A TOILET BLOCK AT PLOT 15, OXEN LANE, NORTH CURRY (AMENDED TITLE)	RF Appeal DM	7/3/2007 3/6/2008
24/06/0047	NO. 8 GREENACRES, OXEN LANE, NORTH CURRY (AMENDED TITLE)	RF	7/3/2007 3/6/2008

		Appeal DM	
24/06/048	NO. 16 GREENACRES, OXEN LANE, NORTH CURRY (AMENDED TITLE)	RF Appeal DM	7/3/2007 3/6/2008
24/06/0049	NO. 7 GREENACRES, OXEN LANE, NORTH CURRY (AMENDED TITLE)	RF Appeal DM	7/3/2007 3/6/2008

6. Environmental Impact Assessment

Not required

7. Habitats Regulations Assessment

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is required as the Council is satisfied that the new commercial development will result in an increase in nutrient loadings at the catchment's wastewater treatment works. This is on the basis that people staying on site are likely to be from outside the catchment area and therefore there will be an additional impact on the Ramsar site as a result of the development. As such, the Council is satisfied, as the competent authority, that the development will require suitable mitigation to avoid a significant effect on the Ramsar site (either alone or in combination with other plans or projects) pursuant to Regulation 63(1) of the said Habitats Regulations 2017.

8. Consultation and Representations

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

8.1 Date of consultation: 17 November 2022

8.2 Date of revised consultation (if applicable):

8.3 Press Date:

8.4 Site Notice Date: 02 December 2022

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

Consultee	Comment	Officer Comment
NORTH CURRY PARISH COUNCIL	Object as concern as site is adjacent to rejected traveller's site and could cause precedent for future use if redundant land	10.1.9
SCC - TRANSPORT DEVELOPMENT GROUP	No objection subject to conditions	10.1.3
SCC - ECOLOGY	Recommends condition of	10.1.7

	Protection of hedges during construction.	
LANDSCAPE	No objection in principle recommend conditions in terms of planting, stone and railings	10.1.4
WESSEX WATER	No objections. A public sewer crosses the site.	10.1.7
DRAINAGE ENGINEER	This is a minor application and the LLFA has no comments to make.	
ECONOMIC DEVELOPMENT NATURAL ENGLAND	No comment received No objection subject to mitigation	10.1.7

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.

3 number of letters have been received making the following comments (summarised):

Material Planning Considerations	
2 Objections	Officer comment
Traffic on Oxen Lane	10.1.3
Precedent as field adjacent was turned down for a gypsy site.	10.1.9
Little extra business generated	
1 Support	Officer comment
Subtle, unobtrusive development that will support local services	

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:

CP1 - Climate change,
CP6 - Transport and accessibility,
CP8 - Environment,
DM1 - General requirements,
DM2 - Development in the countryside,
A1 - Parking Requirements,
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:

None

9.1 National Planning Policy Framework

Sections 2, 4, 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 site lies in a countryside location outside of settlement limits where Core Strategy policy DM2 applies. DM2 allows for certain types of development in the countryside including holiday and tourism uses and supports uses such as at 3b - states touring and camping sites with good access to the main road network and the site is not located within a floodplain or an area at high risk of flooding. The site has access to the main road and is not far from the village and is not within a flood risk area. The impact of the development is therefore considered in line with the parameters of policy DM2.

10.1.2 Design of the proposal

The proposal is small scale with two glamping pods proposed and access to these across a field from a discrete parking area that is well screened. The pods will be raised on a small deck and are around 6.5m in diameter with a further 2m of circular deck outside of this. The pods will have dark metal clad walls and a timber shingle roof and timber windows and doors. The design and materials are not considered to give rise to any harmful impact but will blend with the rural background.

10.1.3 Access, Highway Safety and Parking Provision

The proposed vehicular access to the site is off Greenway and not Oxen Lane, with the vehicle access off Oxen Lane being closed off as part of the proposal. This follows an objection to a previous submission which was withdrawn where the access was proposed to Oxen Lane and where the nearby junction is significantly below standard. The proposed scheme provides parking and turning within the site for two units with access onto Greenway. The visibility on the submitted plan onto Greenway is considered adequate to serve the use and is to be conditioned. The visibility does not impact the existing junction. Conditions are also proposed in terms of closure of the existing access, surfacing the new access, provision of gates set back, EV charging points and cycle storage. Conditions in respect of the gradient, pedestrian splay and parking /turning are considered unnecessary and unreasonable given the current site layout proposed.

10.1.4 The impact on the character and appearance of the locality

The pods are set to the west of the existing field and are well screened by hedging to the west and north. They are set back over 160m from the road and given the height of 5m with timber roof finish are considered to blend into the landscape. The Landscape Officer raises no objection and recommends conditions. The development is considered to comply with Core Strategy policy DM1.

10.1.5 The impact on neighbouring residential amenity

The proposed glamping pods are set within a field and are over 100m from the nearest dwelling and are not considered to cause an adverse impact on the residential amenity of the area.

10.1.6 The impact on trees and landscaping

The proposed development is set within a field and will not have any impact in terms of trees. A planting condition is proposed to secure new planting, such as the access closure, and the development should therefore see an enhancement in terms of landscaping in line with policy ENV2.

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

The grass field has limited ecological value and the Ecologist has raised no objection and suggested a condition to protect existing hedges during the construction period. The proposed drainage for the site will be soakaways for the surface water and mains for the foul drainage as a sewer pipe runs through the site. The use will involve a phosphate increase and a mitigation solution is proposed with off site improvements to a septic tank. The principle of securing nutrient neutrality in this way is accepted and a legal agreement would need to be completed to secure the off site mitigation.

10.1.8 Flood risk

The site lies within zone 1 in terms of flood risk and the development is not considered to give rise to flood risk elsewhere and to be compliant with Core Strategy policy CP8.

10.1.9 Any other matters

The issue of precedent has been raised amid concern in respect of past issues with an unauthorised gypsy site to the north west. However each application has to be considered on its merits and it is not considered that two glamping pods can be compared to an unauthorised encampment on a different site with a different access.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

N/a

12 Planning balance and conclusion

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "*clear reason for refusing the development proposed*" or where the benefits of the proposed development are "*significantly and demonstrably*" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole. The proposed holiday use is considered not to harm amenity, the character of the area, wildlife or highway safety and is considered compliant with policy subject to a legal agreement to secure the phosphate mitigation.

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

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

Conditions

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:

(A3) DrNo J21077 Existing Block Plan
(A4) DrNo J21077 Existing Location Plan
(A3) DrNo J21077 Proposed Block Plan
(A1) DrNo J21077/01A Existing Topographical Survey
(A1) DrNo J21077/02B Proposed Site Plan
(A2) DrNo J21077/03 Proposed Floor Plan & Elevations

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

3. Retained hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, 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: In the interests of European and UK protected species and biodiversity generally and in accordance with policy CP8 Taunton Deane Local Plan

4. The existing vehicular access to the site shall be closed to all vehicular traffic, its use permanently abandoned and any verge/footway crossing/boundary features reinstated in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority along with details of the pedestrian access. Such works shall be completed prior to commencement of the new vehicular access hereby permitted being first brought into use.

Reason: In the interests of highway safety.

5. Prior to commencement of the development hereby permitted the proposed new access over at least the first 6 metres of its length, as measured from the edge of the adjoining highway, shall be properly consolidated and surfaced (not loose stone or gravel) and drainage installed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition in perpetuity.

Reason: In the interests of highway safety.

6. There shall be no obstruction to visibility greater than 600mm above the adjoining carriageway level within the visibility splays shown on the approved plans.

Such visibility splays shall be fully provided before the new access is brought into use and shall thereafter be maintained in the approved form.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety.

7. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 6 metres from the highway edge and shall thereafter be maintained in that condition in perpetuity.

Reason: In the interests of highway safety.

8. Before the development is occupied or utilised, secure covered cycle parking facilities shown on the submitted plans shall be constructed in accordance with details submitted and approved by the Local Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure that adequate facilities are included for the storage of cycles, in the interests of sustainable transport.

9. Before the development is occupied or utilised the electric vehicle charging points and parking bays shown on Drawing Number J21077/02B shall be constructed.

Thereafter, they must be maintained, kept free from obstruction and available for the purposes specified in perpetuity

Reason: In the interests of securing sustainable development.

10. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season (1 October to 31 March) from the date of commencement of the development. Written confirmation of the completion of the landscaping scheme shall be submitted to the Local Planning Authority.

(iii) For a period of five years after the completion of each 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 or are uprooted shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

11. Details and a sample of the stone to be used for the tracks shall be submitted to and approved in writing by the Local Planning Authority prior to being laid.

Reason: In the interests of the character of the area.

12. The glamping pods shall be occupied for tourism purposes only.

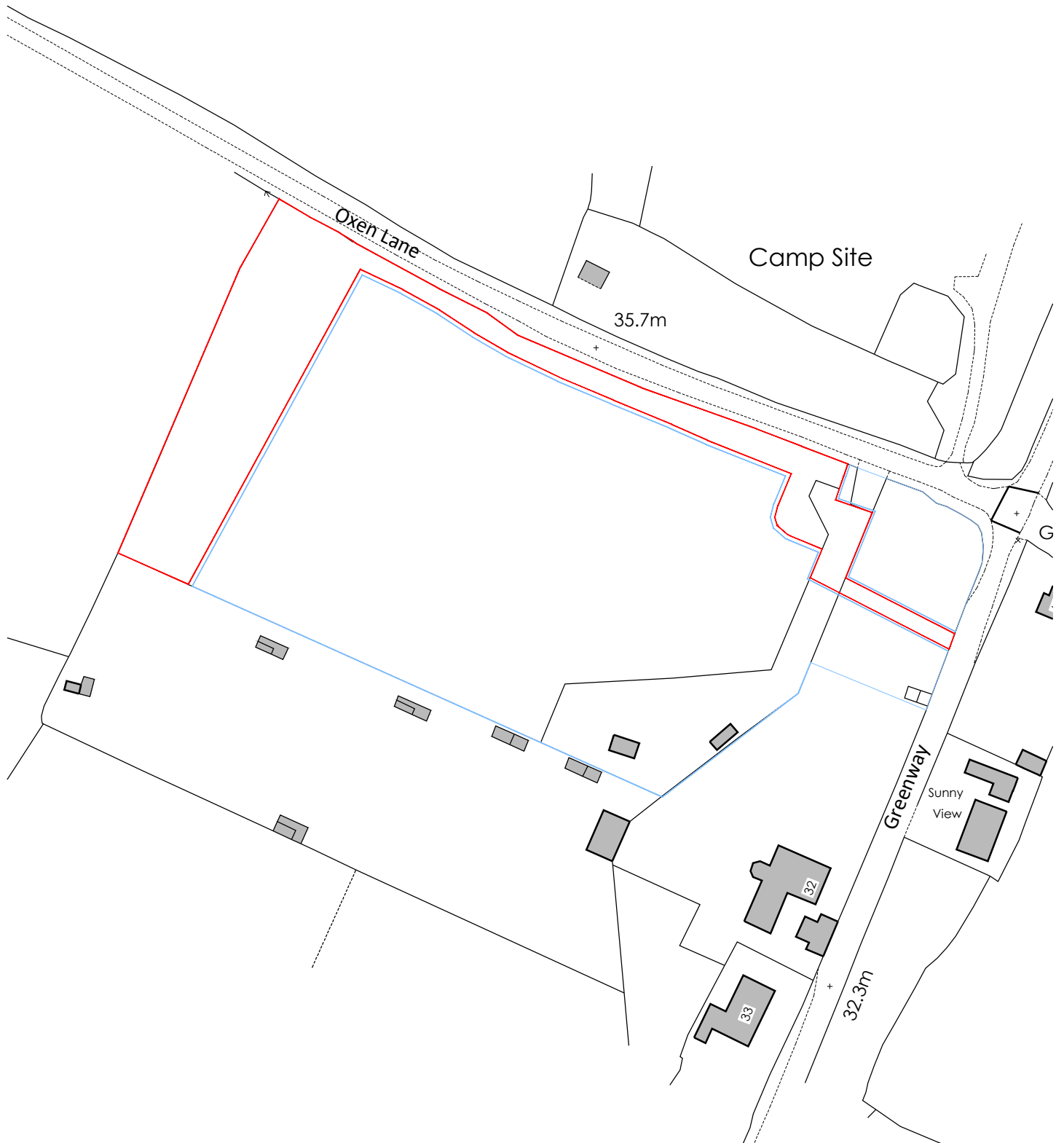
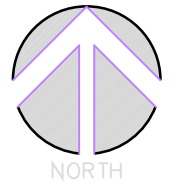
The glamping pods shall not be occupied as a person's sole or main residence.

The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual glamping pods on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To prevent permanent occupation of the residential units within the open countryside.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 21 the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The alteration of the access and/or minor works will involve construction works within the existing highway limits. For details of the process and to submit applications online please visit www.somerset.gov.uk. Application for such a permit should be made at least four weeks before access works are intended to commence.



Client Mrs K. Baker

Dwg Title Existing Location Plan

Scale 1:1250 @ A4

Job Des. Erection of 2 No. Glamping Pod's,
Land Adjacent to Oxen Lane,
North Curry,
Somerset.

Date November 2022

Drawn Promas

Job No J21077

Page 99

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Application Details	
Application Reference Number:	<u>38/23/0409</u>
Application Type:	Full Planning Permission
Earliest decision date:	25 December 2023
Expiry Date	<u>24 January 2024</u>
Extension of time	21 February 2024
Decision Level	Committee
Description:	Change of use of residential garage into dog grooming salon at 10 Greenway Road, Taunton
Site Address:	10 GREENWAY ROAD, TAUNTON, TA2 6LB
Parish:	38
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
National Landscape (AONB):	No
Case Officer:	Mike Hicks
Agent:	
Applicant:	MR P & MRS J GIBBS
Committee Date:	
Reason for reporting application to Committee	The applicant works in the planning department.

1. Recommendation

1.1 That permission be GRANTED subject to conditions.

2. Executive Summary of key reasons for recommendation

2.1 The proposal constitutes a small scale, working-from-home business where the residential character of the street scene would not be adversely affected. It is considered that any noise or activity generated would not be significantly greater than could be expected within a residential area, and thus the use can be appropriately controlled by conditions to ensure it is acceptable in this area. There would be no impact on the Somerset Levels and Moors Ramsar site or ecology within the site.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

- Standard time limit
- Approved plans
- Hours of operation

- Restriction on use
- Appointments only 7 dogs a day
- No additional staff
- Fence to be installed at access
- Sound insulation

3.2 Informatives (bullet point only)

- Positive and proactive working

4. Proposed development, site and surroundings

4.1 Details of proposal

This application seeks permission to change the use of an existing attached garage to a dog grooming salon. The hours of operation are 08.30-17.30 Monday to Saturday. The premises would be closed on Sundays and Bank Holidays.

The proposal involves minor external alterations to the garage including the removal of the garage door and infilling with brick to the wall along with the insertion of a door and a window.

4.2 Sites and surroundings

The site consists of a semi detached dwelling with attached garage. The dwelling is located on the northern side of the A358, a Class A classified highway. The dwelling has a driveway, however no planning permission exists for this and it is not in use. The kerb has not been dropped at the front of the property. There is no vehicular access proposed within the application, accordingly customers would arrive on foot or would park in the locality.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
E/0226/38/13	UNAUTHORISED FORMATION OF ACCESS FOLLOWING REFUSAL OF PLANNING PERMISSION AT 10 GREENWAY ROAD, TAUNTON	Case closed	23/01/2018
38/12/0401	FORMATION OF ACCESS AT 10 GREENWAY ROAD, TAUNTON (RETENTION OF WORKS ALREADY UNDERTAKEN)	Refused	19/12/2012

6. Environmental Impact Assessment

NA

7. Habitats Regulations Assessment

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that this type of small-scale working from home business will not result in an increase in nutrient loadings at the catchment's wastewater treatment works. As such, the Council is satisfied, as the competent authority, that the development is not likely to have a significant effect on the Ramsar site (either alone or in combination with other plans or projects) pursuant to Regulation 63(1) of the said Habitats Regulations 2017.

8. Consultation and Representations

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

8.1 Date of consultation: 30 November 2023

8.2 Date of revised consultation (if applicable):

8.3 Press Date: 01 December 2023

8.4 Site Notice Date: 04 December 2023

8.5 **Consultees** the following were consulted:

Consultee	Comment	Officer Comment
Taunton Town Council	No comments received	
SCC - ECOLOGY	No objections- site contains negligible features for ecology.	Refer to ecology section
SCC - TRANSPORT DEVELOPMENT GROUP	Standing advice applies	Refer to highway section
WESSEX WATER	No comments received	
ECONOMIC DEVELOPMENT	No comments received	

8.6 Local representations

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

Following consultation, one letter has been received making the following comments (summarised):

Material Planning Considerations

Support	Officer comment
Good to see an unused space made into a local business.	

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 strongly 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).

As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council will be bringing forward a Local Development Scheme to agree the timetable for the preparation of the local plan and scope in due course.

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

SP1 - Sustainable development locations,
DM1 - General requirements,
A1 - Parking Requirements,
CP8 - Environment,

Supplementary Planning Documents
District Wide Design Guide, December 2021

9.1 National Planning Policy Framework

The NPPF is a material consideration

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 acceptability of the proposal is predominantly dependent on the assessment of the impacts as set out in the report below.

The proposed dog grooming within this application site would be a small scale business operating from an existing domestic garage. Dog grooming business by definition fall within use Class E (following recent changes to the Use Class Order). Notwithstanding this, it is considered that the proposed use would be more akin to a “sui generis” use as prior appointments would be required rather than a Class E dog parlour which promotes services to passers-by. A small scale commercial use to serve local residents therefore would not conflict with the aims of the Local Plan to protect the vitality a viability of the town centre.

Further to the above, the building could be reverted back to a domestic garage when the need for the business no longer exists or in case of a change in ownership. It is recommended that a condition to that effect is imposed to make it clear that the building can be used as a garage or/and reverted back to its original use at any time without the requirement for a further change of use application.

10.1.2 The impact on the character and appearance of the locality

The alterations to the front of the garage would be very modest in scale and would have an acceptable impact on the character and appearance of the dwelling. A condition will be included in the decision notice to ensure that the bricks match those in the existing dwelling. The fence panel at the entrance would have an acceptable impact on the character of the area and the street scene. Having regard to the above the proposal would accord with Policy DM1 of the Taunton Deane Core Strategy.

10.1.3 Access, Highway Safety and Parking Provision

The site does not have any off street parking provision. There is an area of hardstanding and vehicular access that was created without planning permission to the front of the property. This was subject to an enforcement investigation which was closed on confirmation that the access was closed off with a timber fence to ensure it is a pedestrian access only. The applicant has confirmed that they don't use the access for vehicles and there is no intention to. The timber fence panel which was closing the access to vehicular traffic has been removed, however the applicant intends to reinstate it. Further details have been submitted during the course of the application showing a timber fence panel installed at the entrance. This will be secured via a planning condition to be in place prior to the development first coming into use.

Whilst there is no parking on site, it is considered that a significant number of customers will walk to the site as it is located in a populated area with good pedestrian facilities. There are limited spaces at the front of the site. In the event that these are not available, it is anticipated that customers who arrive by car would be able to park in any of the local streets that are not subject to resident permits. Given the likely number of vehicular movements, they would be modest in number over the course of a day and therefore would not raise concerns over the impact on the local highway network.

Subject to a condition to ensure that the vehicular access is stopped up, the proposed development would have an acceptable impact on highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

10.1.4 The impact on neighbouring residential amenity

Each application needs to be assessed on its own individual merits in relation to the impact on neighbour amenity. It is considered to be acceptable in this regard. There would be some comings and goings of customers during the day. The applicant has confirmed that they would groom no more than 7 dogs a day.

The garage is of solid brick and tile construction and is detached from the neighbouring property, No. 12 Greenway Road. The rear garden is not proposed for any dog grooming services. Access into the garage would be directly from the front of the property. Accordingly the rear garden would not need to be accessed by customers or their dogs. Furthermore, the location is already subject to relatively high background noise levels due to the busy road, meaning that the site is less sensitive to the noise that would be associated with the development. The applicant has proposed to improve the sound insulation within the garage and a specification has been submitted with the application. This will be secured via a planning condition. Further conditions will be imposed in relation to the hours of operation along with further conditions limiting the number of dogs to be groomed per day to 7, no additional staff members and grooming via appointment only. These conditions are considered sufficient to ensure that the use is sufficiently small scale to ensure there would be no adverse impact on neighbour amenity. Notwithstanding this, the Council does have powers under separate environmental health legislation to enforce against a business owner in the unlikely event of any unforeseen nuisance occurring. Subject to the conditions set out above it is considered that there would be no adverse impact on neighbour amenity in accordance with Policy DM1 of the Taunton Deane Core Strategy.

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

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As the proposed development would not result in an increase in nutrient loadings within the catchment, the Council is satisfied, as the competent authority, that the development is not likely to have a significant effect on the Ramsar site (either alone or in combination with other plans or projects) pursuant to Regulation 63(1) of the said Habitats Regulations 2017.

The Council's Ecologist has commented that the site does not contain features of any significant for ecology. They have considered the proposed development and commented that it can continue without the requirement for further surveys or planning conditions. It is therefore considered that the general ecology of the site, including protected species would not be harmed as a result of the development in accordance with Policy CP8 of the Taunton Deane Core Strategy.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Not applicable

12 Planning balance and conclusion

12.1 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions.

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

Conditions

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:

(A4) Location Plan
(A4) Site Plan
(A3) Proposed Floor Plan Rev B
(A3) Existing and Proposed Elevations dated 04/12/2023
(A3) Existing & Proposed Boundary
(A3) Boundary Site Plan
Sound Panel Technical Sheet

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

3. The colour of the new brickwork at the front elevation of the garage shall match the bricks in the existing dwelling.

Reason: To preserve the character and appearance of the area to comply with Policy DM1 of the Taunton Deane Core Strategy.

4. The dog grooming business hereby approved shall be carried out only during the following times: 08.30 – 17.30 Monday – Saturday and at no time on Sundays, Bank Holidays or other Public Holidays.

Reason: In the interests of the amenities of nearby residents in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Town and Country Planning (Use Classes) Order 1987 (as amended) or any order revoking and re-enacting the said Orders, the building shall be used for the following purposes only: a commercial dog grooming salon or/and domestic use associated with 10 Greenway Road, Taunton. There shall be no change of

use of this building to any other use(s) other than that expressively authorised by this permission shall be carried out without the further grant of planning permission.

Reason: In the interest of amenity and highway safety in accordance with policy DM1 of the adopted Taunton Deane Core Strategy, and policy A1 of the adopted Taunton Deane Site Allocations and Development Management Plan.

6. Dog grooming shall be undertaken by an appointment system only. Appointment diaries shall be kept and made available to the local planning authority on request. A maximum of 7 dogs per day shall be groomed.

Reason: In the interests of the amenities of nearby residents and in the interest of highway safety in accordance with Policy DM1 of the adopted Taunton Deane Core Strategy, and policy A1 of the Taunton Site Allocations and Development Management Plan.

7. Other than the resident householder, no members of staff shall be employed to work at the premises.

Reason: In the interest of amenity and highway safety in accordance with policy DM1 of the adopted Taunton Deane Core Strategy, and policy A1 of the adopted Taunton Deane Site Allocations and Development Management Plan.

8. The fence illustrated at the access as illustrated on Plan No. 'Existing & Proposed Boundary' and 'Boundary Site Plan' shall be installed prior to the commencement of the use hereby permitted and shall thereafter be retained in perpetuity.

Reason: In the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

9. The sound insulation measures illustrated on the approved plans: 'Proposed Floor Plan Rev. B' and 'Sound Panel Technical Sheet' shall be completed in accordance with the submitted plan prior to the commencement of the permitted use and shall thereafter be retained for the duration of the use hereby permitted.

Reason: In order to protect residential amenity to comply with Policy DM1 of the Taunton Deane Core Strategy.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 23 the Council has worked in a positive and creative way with the applicant and

has negotiated amendments to the application to enable the grant of planning permission.

SITE LOCATION PLAN
AREA 2 HA

SCALE: 1:1250 on A4

CENTRE COORDINATES: 322554 , 125833



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APPEAL DECISIONS

PLANNING COMMITTEE WEST

TUESDAY 19 FEBRUARY 2024

Application No: 21/22/0011

Address: HILLTOP, LANGFORD COMMON ROAD, LANGFORD
BUDVILLE, WELLINGTON, TA21 0RW

Description: Conversion of agricultural building into 1 No. dwelling at
Hilltop, Langford Common Road, Langford Budville

Application Decision: Refusal

Appeal Decision: Dismissed



Appeal Decision

Site visit made on 13 December 2023

by **Mrs H Nicholls FdA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th January 2024

Appeal Ref: APP/W3330/W/23/3324084

Hilltop, Langford Common Road, Langford Budville, Wellington TA21 0RW

- 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 Alvin Bellamy against the decision of Somerset Council.
 - The application Ref 21/22/0011, dated 12 September 2022, was refused by notice dated 14 December 2022.
 - The development proposed is proposed conversion of agricultural building to dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal was submitted against the refusal of permission by Somerset West and Taunton Council, which since the submission of the appeal, has merged with other Councils to form Somerset Council. As a result, I have referred to Somerset Council in the banner heading above.
3. An updated version of the National Planning Policy Framework (the Framework) was issued in December 2023. The parties were invited to comment on the relevance of any changes and so, no prejudice has occurred.

Main Issues

4. The main issues in this appeal are:
 - whether the development would be located to accord with local policies that seek to provide residents with convenient access to facilities and minimise dependency on private vehicles;
 - whether the development accords with local policies that specify the types of building suitable for conversion and the sequential approach to determining their uses; and
 - the effects on the Somerset Levels and Moors Special Protection Area (SPA).

Reasons

Context and proposal

5. The proposal seeks to convert a small, single storey agricultural building to a 1 bed dwelling, with vehicular access and modest curtilage.

<https://www.gov.uk/planning-inspectorate>

6. The development plan for the area currently comprises the Taunton Deane Core Strategy (CS) (2012) and the Taunton Deane Site Allocations and Development Management Plan (SADMP) (2016).

Location of development

7. The site is situated a short distance outside of the defined settlement limit of Langford Budville. Under CS Policy SP1, the village of Langford Budville is one of the lower tier settlements that has a defined settlement boundary, within which small scale development may be permissible. SADMP Policy SB1 reinforces the role of the settlement boundaries in order to maintain the quality of the rural environment and promote a sustainable approach to development. In this case, despite being a short distance therefrom, the site is outside of the settlement boundary and therefore is to be treated as being within the open countryside.
8. CP Policies CP1 and CP6 seek to ensure that development contributes to reducing the need to travel, improve accessibility to jobs, services and community facilities and adapt to the effects of climate change.
9. SADMP Policy A5 sets out more detailed criteria for the proximity of new residential development to facilities and services. The preamble sets out that whilst rural accessibility is important, there is a difference between the accessibility standards compared to those applied to the main towns. Under the Policy, shopping and education facilities are required to be accessible within a 45 minute public transport journey and 30 minutes by car. Other non-residential facilities are to be accessible within 60 minutes by public transport and 40 minutes by car.
10. Langford Budville has a modest range of facilities, including a public house, primary school, church, village hall and cafe. Other facilities, including healthcare facilities, shops and employment opportunities are located in Tonedale and Wellington, from around 5km to the north of the site. Within Langford Budville, there are few dedicated footways. This necessitates residents walking along the edge of the carriageway to reach the available facilities. With the exception of the recreation ground, facilities within Langford Budville are further from the appeal site and journeys on foot would need to be made along a stretch of rural road without footways. Whilst the additional distance from the site to facilities within the village is not prohibitive and residents would have a similar travel time to Wellington as those within the settlement boundary, CS Policy SP1 and SADMP Policy SB1 require that small scale development shall occur *within* the settlement so as to promote a sustainable approach to development.

Given that the site falls outside of the settlement boundary and is strictly considered to be within the open countryside, the proposal for a new dwelling is contrary to, in particular, CS Policies CP1, SP1 and CP6 and SADMP Policies SB1. This conflict is not changed by the existence of the limited transport service offered within the area, the 'Taunton Slinky' or the existence of Public Rights of Way that may connect residents to local facilities or to Tonedale via other routes than just the main roads through and beyond the village.

Suitability and alternative uses

11. Irrespective of the finding under the first main issue above, a building in the open countryside may be converted where it complies with CS Policy DM2, which has two principal requirements in relation to such schemes. DM2 7) a) requires that the building under consideration must be of a permanent and substantial construction and of a size suitable for conversion without major rebuilding or significant alteration or extension. Provided that a building is considered of a suitable construction for conversion, DM2 7) b) requires that a sequential approach to its reuse should be applied, in the following order: community uses; Class B business uses; other employment generating uses; holiday and tourism uses; affordable, farm or forestry dwellings; community housing; and thereafter in exceptional circumstances, conversion to other residential use.
12. In terms of the permanence and substance of the construction of the building under DM2 7) a), it has a concrete base, and its dwarf walls and internal partitions are largely concrete and blockwork. It has a timber frame and its upper walls are largely timber clad. The roof is covered in fibre cement sheeting. A Structural Report has been submitted with the appeal (Fairhurst, July 2021) which indicates that the building is considered to be in generally good condition without the need for major alterations or rebuilding to enable its conversion to a dwelling.
13. My view is that the building's condition is better described as reasonable than good, with more signs of age and wear than are described. There also appears to be more work necessary to enable its conversion than is described in the Structural Report. For instance, the proposed plans show the entire removal of the fibre cement sheet roof and its replacement with a new slate roof with insulation and double glazed roof lights. The Structural Report indicates that should the roof covering be changed, it should not weigh more than the current covering. From this, I deduce that the weight bearing elements of the building will also need to be upgraded to accommodate the new slate roof and roof lights.
14. I note that the dwelling, at around 59 sqm, would meet the minimum space standards required of a dwelling without the need for extension under that particular requirement of Policy DM2 7) a). However, given its construction and condition, my view is that the relatively insubstantial nature of the building prevents it from fully aligning with the requirements of CS Policy DM2 7) a). However, in the interests of comprehensiveness, I consider the sequential approach to the conversion of buildings under DM2 7) b).
15. The appellant indicates that there is no evidence of a need for a community use and that given the size of the barn and the economic costs for conversion it would simply not be functional or viable as such. Despite the absence of a Parish Council comment to this effect, my view is also that this would be an impractical use of such a small building given its location and limited parking, particularly in view of the better located existing community buildings.
16. In terms of Class B employment uses, the Appellant cites potential effects on the living conditions of the host dwelling, in terms of noise and smell, as reasons for such uses not being pursued. The economic unviability of the conversion to such is also put forward, particularly in the context of the existence of purpose-built units at relatively local business parks. Though I do

not consider that harm to living conditions of the neighbouring occupiers would be likely, there is a distinct absence of forecast conversion costs and predicted income yields from rental or disposal of the unit on which to base an assumption that a Use Class B unit would be economically unviable.

17. Similarly to the Class B employment uses, the demand for the converted building for other employment generating uses is, in my view, likely to be limited based on its size and location. However, there is limited evidence to support these views.
18. The prospect of using the building for holiday and tourism uses has not been fully explored and, despite the preamble discouraging new-build tourism accommodation, the Policy is supportive of conversions of buildings to holiday accommodation. Though the evidence suggests that there is a wealth of accommodation available locally, there is limited analysis of the prospects of such a proposal based on the likely demand and potential income yield.
19. In terms of affordable housing, the Appellant indicates that this form of housing is largely provided within the town of Wellington. However, from the Council's evidence, I can only assume that an unmet demand for affordable housing still exists. Similarly, there is limited evidence that the proposal would be economically unviable or unsuitable for conversion to an intermediate affordable dwelling.
20. The Council accepts that the holding would not support an agricultural or forestry worker and I do not reach a different view. The Council do, however, indicate that limited consideration has been given to the prospect of conversion to community housing. Despite some explanation in the Policy preamble, this is not a tenure of housing recognised by the Framework or defined more robustly in the glossary of the CS. As the Policy already deals with affordable housing which requires some local connection, and in the absence of sufficient clarity otherwise, this part of the Policy is not considered further.
21. In my view, the application of the sequential approach has been done on a rather light-touch basis with limited evidence to support the assertions made. Therefore, and for the other stated reasons, the building is not fully suited to the proposed conversion and, despite having ruled out a small number of alternative prospects, I am incapable of concluding that the building would be demonstrably unsuitable for all of the other listed uses under the sequential approach. Thus, the proposal fails to accord with CS Policy DM2 7), a) and b).

SPA Effects

22. The application site is within the catchment of the Somerset Levels & Moors SPA and Ramsar which is deteriorating due to increased nutrient loads, in particular phosphates. The addition of overnight accommodation and new residents which increase the amount of foul water produced in the catchment area will be likely to increase the phosphorus loading and further unbalance the nutrient levels within the SPA. Significant effects from the development are therefore incapable of being ruled out and are considered likely.
23. The appeal was submitted with a Nutrient Neutrality Assessment and Mitigation Strategy (Mitigation Strategy)¹ which outlines that the proposed dwelling would be served by a specified package treatment plant (PTP) as no mains sewers

¹ WCI Nutrient Neutrality, March 2023

connections are available. In addition, the existing dwelling within the site plan blue line, Hilltop, would also have its septic tank replaced by a more efficient PTP. Together, these measures would more than offset the additional nitrates that would otherwise be generated by the development and would result in a phosphate reduction of around 0.96 kg/yr. The scientific evidence therefore points to the development creating some phosphate betterment within the catchment area.

24. I have had regard to the requirements of the Conservation of Species and Habitats Regulations 2017, as amended (Habitats Regulations) to undertake an Appropriate Assessment. The need to robustly secure any proposed mitigation at the appropriate juncture is also a requirement, subject to which the proposal could achieve compliance with the Habitats Regulations and Policies CP8 and DM1 of the CS that seek to avoid harm to protected habitats. I return to this matter in the planning balance below.

Other Matters

25. In terms of the visual aspects of the proposal, the building exists as a feature of the rural landscape and its character and appearance would be modestly improved through the upgrading of its external materials. The small curtilage would also limit the spread of domesticity associated with the building, thus preserving the rural character of the landscape. The proposal would therefore comply with CS Policy CP8.
26. Whilst it has been suggested that the building may be capable of conversion under Class Q of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015, this is not presented as a legitimate fallback available in the event of the appeal being dismissed. Thus, this has not formed a consideration of more than limited weight.
27. The Appellant also highlights that a permission was granted for around 8 dwellings outside of the settlement limit of Langford Budville, next to the Village Hall. As the evidence suggests that this unimplemented permission has since expired, it has not attracted weight as a consideration in this appeal.

Planning balance and conclusion

28. Though the scheme could avoid harmful effects on the SPA through mitigation, owing to the building's construction, rural location and the residential use proposed in favour of other potentially suitable uses which have not been fully considered, the proposal conflicts with the development plan when taken as a whole.
29. The Framework, in paragraph 84, allows for the creation of isolated homes in the countryside provided the form of development fits under one of the specified criteria, which includes the conversion of redundant or disused buildings where there would be an enhancement to the immediate setting. Despite the building not being truly isolated, the form of development would align with the Framework objective of allowing rural buildings to be reused to create homes, but would have the benefit of being closer to facilities and a community than would otherwise be permissible.
30. The Appellant indicates that Policy DM2 7) is out of date given the age of the Core Strategy (2012) and the numerous updates which have occurred to the

Framework in the intervening period. Other appeal decisions² put forward by the Appellant which may have examined the acceptability of open market housing in the countryside under CS Policy DM2 were not strictly concerned with proposals involving the reuse of a rural building, as is the case here. Policy DM2 7) already envisages a rural building being capable of use for other forms of housing, i.e., market housing, albeit in exceptional circumstances following consideration of the sequential approach outlined under DM2 7 b).

31. Whilst I do not consider the whole of Policy DM2 out of date, limb 7) b) contains a level of rigidity and prescription about the application of the sequential approach that highlights its vintage. As such, I attribute reduced weight to the conflict with CS Policy DM2 7).
32. At the time the appeal application was submitted, the Council was unable to demonstrate a five year supply of housing land as required by the provisions of the Framework. This was set out in the *Somerset West and Taunton Strategic Housing Employment Land Availability Assessment* (May 2022) (HELAA). The effect of this would have been to trigger Framework paragraph 11 d) and the presumption in favour of sustainable development.
33. Since then, the Council has put in measures to release additional housing land and the latest figure reported by the Council³, relevant to the former Taunton Deane area (Area West), is a housing land supply position of 5.16 years. The Council's evidence to this effect is limited and does not appear as robust as the HELAA of 2022. However, and despite its small margin above the minimum 5 year requirement, the latest figure is not contested by the Appellant with any cogent evidence either. Therefore, on the basis of the evidence presented to me, I consider that the Council can demonstrate a five year supply of housing sufficient to prevent the engagement of the 'tilted balance' under Framework paragraph 11 d). As such, I apply the ordinary balance, taking account of the reduced weight that I consider should be attributed to CS Policy DM2 7) b).
34. The public benefits of the scheme would be generated by the creation of a single dwelling to add to the local housing stock. The modestly scaled dwelling would be at the more affordable end of the market given its limited size, and there would be some minor enhancement from the improved appearance of the building. There would also be some construction phase economic benefits from the works to convert the building to a dwelling, albeit limited by the nature of the works proposed and the short duration. Nevertheless, these public benefits are still capable of attracting modest weight in favour of the scheme. The absence of harms is a factor that neither weighs for or against it.
35. However, on balance, my view is that the public benefits fall short of outweighing the identified harms and therefore do not indicate that a decision should be taken other than in accordance with the development plan when taken as a whole.
36. For the foregoing reasons, the appeal is dismissed.

H Nicholls
INSPECTOR

² Including: APP/D3315/W/17/3179264

³ Reported to the Strategic Planning Committee of 19 October 2023

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