

Minutes of a Meeting of the Planning Committee - East held in the Council Chamber, Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT, on Tuesday, 6 August 2024 at 2.00 pm

**Present:**

Cllr Nick Cottle (Chair)  
Cllr Edric Hobbs (Vice-Chair)

Cllr Barry Clarke  
Cllr Bente Height  
Cllr Tony Robbins  
Cllr Rob Reed

Cllr Dawn Denton  
Cllr Martin Lovell  
Cllr Claire Sully

**18 Apologies for Absence - Agenda Item 1**  
**6**

It was noted that Councillor Helen Kay was on a leave of absence. Councillor Michael Dunk was her substitute. Councillor Susannah Hart had sent apologies and Councillor Philip Ham was her substitute. Apologies had also been received from Councillors Adam Boyden and Martin Dimery.

**18 Minutes from the Previous Meeting - Agenda Item 2**  
**7**

The Committee was asked to consider the Minutes of the meeting held on 11 July 2024. Councillor Edric Hobbs proposed and Councillor Dawn Denton seconded that they be accepted as a true and accurate record and were approved.

**18 Declarations of Interest - Agenda Item 3**  
**8**

Councillors Edric Hobbs and Tony Robbins both declared an interest on Agenda Item 5 Planning Application 2022/0614/OUT, stating that they were both pre-determined. They advised that they would speak as Divisional Members and then would leave the room.

**18 Public Question Time - Agenda Item 4**  
**9**

There were none.

**19 Planning Application 2022/0614/OUT - Land south of Fossefield Road, Fosse**  
**0 Way, Stratton on the Fosse, Shepton Mallet, Somerset - Agenda Item 5**

The Officer's Report stated that this application was a "major" development which

was recommended for approval. However, Kilmersdon Parish Council had made objections therefore it was to be determined by the Planning Committee.

The Officer's Report continued that the application was for outline planning permission for up to 180 new dwellings. The site is outside the settlement limits of the Mendip local plan area and adjacent to the settlement of Midsomer Norton in the BANES Council area. As the site was not allocated for development, and was outside the development limits, the application represented a departure from the development plan. In accordance with legislative requirements, it had been advertised as such. The Report went on to say that the application can be determined as an unallocated site under the tilted balance.

Kilmersdon and Westfield Parish Councils had both objected to the scheme, as has BANES Council. Somerset Council Waste Services had some concerns but all other consultees who responded had no objections subject to conditions and obligations. There had been 32 letters of objection from local residents.

The Officer's Report provided in depth consideration of the application and concluded that the adverse impacts identified were not considered to significantly and demonstrably outweigh the benefits. In accordance with para 11d of the NPPF, the application was therefore recommended for APPROVAL, subject to a number of conditions and planning obligations secured by legal agreement(s).

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

There were two speakers in objection to the application. Their comments included:

- The nearest facilities in Westfield will become overstretched.
- Homeless families in Westfield will not benefit from the affordable housing.
- Concerns about the increased traffic on the A367.
- It is not a sustainable location with most new residents commuting to Bath or Bristol.
- It is an area of great biodiversity.
- It represents suburban sprawl and is out of rural context for Somerset.
- The site is not allocated for development. It is outside the development limits in open countryside.
- Approval of this scheme would set a dangerous precedent for development in open countryside.
- It would represent total unsustainable overkill that would only bring short term financial gain.
- Local services and infrastructure are already at breaking point.

The next speaker was from Kilmersdon Parish Council. She made the following comments:

- Kilmersdon has been identified as a secondary village by the LPP and is in a partial conservation area with listed buildings and surrounded by open countryside.
- The village school is oversubscribed and cannot be further expanded.
- This development would double the size of the parish and would have a

significant harmful impact on the countryside and the intrinsic character of the village.

A councillor from the neighbouring BANES Council then spoke. Comments made included the following:

- During the judicial review this site was one of 5 sites removed from the Mendip Local Plan by the judge and is no longer to be considered to be a suitable site for part of the 505 homes in the Local Plan.
- It will be unsustainable. The GP surgery, 2 miles away is already oversubscribed and most residents are not able to access a GP appointment except for emergencies.
- Primary schools are full and some secondary school pupils already face a daily 22-mile commute to school.
- Council Tax from this development will be paid to Somerset Council and BANES Council will not receive any financial contribution to support infrastructure.

The final public speaker represented the applicant, Persimmon Homes. He said:

- The site was one of 3 adjacent to Midsomer Norton that Mendip DC had identified as suitable for development. The judicial review did not relate to the suitability of the site, but to the site identification process that had been applied by MDC.
- Some of the proposed 54 affordable homes will include those for social rent.
- The proposal is a high-quality scheme that will include large areas of green open spaces, a formal central square and children's play area.
- It will be a no gas scheme and will have air source heat pumps, solar panels and electric car charging points.
- There is existing capacity in the network to support all this.
- A funding package of £700k to spend on local infrastructure has been agreed.

The Divisional Members, Councillors Edric Hobbs and Tony Robbins both left the meeting after making a brief contribution saying that 180 homes on this site was far too many and would make the site extremely congested. Some of the funds agreed from the developer should go to the neighbouring Council. They also noted the inability of the road network to cope with all the additional houses in the area and it did not fit in with the local context. They then left the room.

In the discussion which followed Members made the following comments:

- Queries whether the National Grid could cope with the extra capacity needed for the Air Source Heat Pumps.
- It is not clear whether the grade of the agricultural land is 3 or 3A. This should be clarified before a decision is made.
- Concern about what provision is being made in Midsomer Norton to maintain industry and provide jobs.
- What phosphate mitigation has been proposed?
- The scheme is a step too far. The parish of Kilmersdon would be doubled in

size.

- Would like to see the children's play areas much larger.
- Not comfortable approving an application that a neighbouring Council strongly objects to.

In response to queries raised, Planning and Highways Officers advised as follows:

- The application is not in accordance with the development plan and therefore it will have to be considered as a departure. Members will need to consider the impacts of the scheme and whether they are significant and demonstrable and outweigh the benefits. The significant and demonstrable harms would need to be clearly identified.
- The site is not in the Phosphate zone therefore mitigation is not required.
- There are S106 funds being sought for health care and bus provision which the LPA and healthcare trust believe will be sufficient to overcome the existing problems.
- The commuting is not severe and not regarded as an issue.
- The concept plan is indicative and Members are not being asked to approve that, only the number of dwellings and access.

At this point in the debate, Councillor Martin Lovell proposed to approve the application in accordance with the Officer's Recommendation. There were 2 votes in favour, 6 against and 1 abstention so this motion was not carried.

There was further debate in which there was discussion of possibly deferring the application and the Planning Officer's gave advice on reasons for refusal, should that be proposed. After consideration, Councillor Philip Ham proposed that the application be refused as 180 more houses with the locality would represent over development, lack of nearby services, facilities and job opportunities that would be easily accessible, loss of good agricultural land, development in open countryside and contrary to the wishes of the Parish Council and neighbouring District Council. The harms identified significantly and demonstrably outweighed the benefits of additional housing supply and affordable housing. This proposal was seconded by Councillor Michael Dunk.

On being put to the vote the proposal was carried with 6 votes for, 2 against and 1 abstention.

## **RESOLVED**

That planning application **2022/0614/OUT** be **REFUSED** contrary to the Officer's recommendation. Following the members discussion it was decided that the cumulative impact of the application proposals in conjunction with the recently approved development in the locality adjacent to the application site would result in overdevelopment of the area and an unsustainable pattern of growth and furthermore given the poor access to services, facilities and employment opportunities for future occupiers the application scheme would result in travel patterns that rely on car travel. There would also be a loss of open countryside and good agricultural land and it was contrary to the wishes of the Parish Councils. The harms identified significantly and demonstrably outweighed the benefits.

**Votes – 6 for, 2 against, 1 abstention**

**19 Planning Application 2023/2102/VRC - Land at 348250 150158 Brangay Lane,  
1 Rodney Stoke, Cheddar, Somerset - Agenda Item 6**

The Officer's Report stated that this application had been referred to the Planning Committee as the Case Officer's recommendation was to approve, however, the Parish Council had recommended refusal.

The Officer's Report continued that planning permission, 2020/0556/FUL, had been previously granted for the erection of two holiday let properties on the site. Condition 3 of that permission included limiting the duration of any occupancy for holiday purposes for more than 28 days in a calendar year. This application sought to remove this limitation of occupancy but to maintain the original purpose of the restriction for holiday use only.

The Officer's Report concluded that the proposed amended wording of the holiday accommodation condition was considered acceptable and met the planning condition tests whilst achieving its original purpose of restricting the occupation of the buildings in compliance with Policies CP1, CP3 and CP4 of the development plan.

The application was therefore recommended for approval.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

There was one speaker from Rodney Stoke Parish Council. He made the following comments:

- The original application was not supported by many residents and the Parish Council, mainly due to the isolated location in open countryside and the poor quality of the access road.
- The reason for the 28-day occupancy condition was to ensure that the dwellings would be used for holiday use only and would be relatively easy to enforce.
- Concerns that if the condition was removed it would lead to the abuse of the use of the dwellings, and in turn, planning creep.

In the discussion which followed Members made the following comments:

- It was noted that site owners have to maintain a register of all occupiers and guests. This will aid any enforcement that becomes necessary by the removal of the occupancy rule.
- Loosening the restrictions would potentially reduce travel.
- Some people like to rent or occupy short term when moving to a new area to determine if they wish to move. There would be income opportunities from allowing this.

Planning Officers confirmed that anyone residing at the holiday lets would need to have a primary address so would not be able to avoid paying Council Tax or queue

jump to get school places.

At the conclusion of the debate, it was proposed by Councillor Dawn Denton and seconded by Councillor Tony Robbins to approve the application in accordance with the Officer's recommendation.

On being put to the vote the proposal was carried unanimously.

## **RESOLVED**

That planning application **2023/2102/VRC** be **APPROVED** in accordance with the Officer's recommendation.

## **Votes – Unanimous**

### **19 Planning Application 2023/2399/FUL - 3 Balch Road, Wells, Somerset - Agenda 2 Item 7**

The Officer's Report stated that this application had been referred to the Planning Committee as the Case Officer's recommendation was for refusal, however, the Parish Council had recommended approval, albeit with some concerns.

The Officer's Report continued that the application sought planning permission for the erection of a two-bed detached dwelling in the side garden of number 3 Balch Road which is a corner plot with lawned areas to the front and east. It would be orientated to have its front elevation facing east, but it would be set within the plot further south than number 3 and set slightly back within the plot in comparison to number 5. During the life of the application the plans have been amended to try to overcome the Local Planning Authority's concerns about the design of the building.

The Officer's Report recommended refusal of the application for 3 reasons. These were:

1. The application scheme did not respect the local context or maintain the character and appearance of the local area, resulting in a detrimental impact on the street scene.
2. Insufficient information had been submitted regarding a possible increase in phosphate levels in the foul water discharge.
3. The proposal failed to provide the necessary parking requirements for the proposed dwelling.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

There was one speaker in objection to the application. He made the following comments.

- The dwelling would be on a partially blind corner, therefore highways safety is a concern. Cars already park on double yellow lines and across dropped kerbs, thereby causing greater risk to vehicles and pedestrians.

- The site is an exposed location and the dwelling will stand out in the street scene.
- Light will be restricted to No. 5 Balch Road.
- The proposed development would create a dominant and oppressive environment for neighbouring properties.

There was a speaker in support of the application who said the proposal would not be detrimental to the area and the slight bottleneck on this corner in Balch Road would not be worsened by the dwelling. It would not adversely affect the character of the street, nor would the proposed dwelling be oppressive or unattractive. There would not be an impact on parking as the applicant already lives and parks at the property. It would enable a young couple to continue to live in the area in which they grew up.

The final speaker was the applicant. He made the following comments:

- The footprint of the building will be much smaller than the size of the plot being built on.
- The materials used would be the same as all the other houses on Balch Road, so would be in keeping and not intrusive.
- Very happy to provide mitigation for any Phosphates and will work with Planning Officers to determine his obligations in this regard.
- Parking will not be affected as there will be no reduction in parking space.
- The Parish Council support the application, as do nearby residents.
- It will add to the housing stock and will enable a young family to reside in their home city, which is out of the price-range of most young people.

In the discussion which followed Members said they would be happy to support this application so long as the phosphate mitigation could be resolved. The Planning Officer suggested deferral or Members could vote to approve with an added condition to negotiate suitable phosphate mitigation which would most likely be the purchase of phosphate credits. Members also discussed the impact on the street scene and decided it would not be obtrusive.

At the conclusion of the debate, it was proposed by Councillor Tony Robbins and seconded by Councillor Philip Ham to approve the application contrary to the Officer's recommendation.

On being put to the vote the proposal was carried with 8 for, 3 against.

## **RESOLVED**

That planning application **2023/2399/FUL** be **APPROVED** contrary to the Officer's recommendation as it was decided that the scheme would not have a detrimental impact on the visual amenities of the street scene nor would it result in increased street parking. That delegated authority be given to Officers to negotiate suitable phosphate mitigation and impose necessary planning conditions. The conditions are to be agreed in consultation with the Chair and Vice-Chair and divisional members.

**Votes – 8 for, 3 against**

**19 Planning Application 2024/0506/FUL - Tilham Farm, Tilham Lane,**  
**3 Baltonsborough, Glastonbury, Somerset - Agenda Item 8**

The Officer's Report stated that this application had been referred to the Planning Committee as the Case Officer's recommendation was for refusal, however, the Parish Council had recommended approval. If approved the application would be a departure from the development plan.

The Officer's Report continued that various previous planning applications had been made on the site and there was extant permission for the demolition of the barn and the erection of a 3.-bed house. Further west there was another barn that had been granted permission to be demolished and replaced with 4 dwellings.

The Officer's Report concluded that although it was recognised that a dwelling on the smaller site to the north could be achieved by the extant permission, this was within the confines of the existing built development. This application proposed a new unjustified dwelling encroaching into the countryside where development is strictly controlled. The proposed development would have an urbanising effect detrimental to the visual amenity of the landscape. Due to the lack of phosphate information in the application, it was not clear whether the proposal would have an adverse effect on the Somerset Levels and Moors Ramsar site. In summary the benefits would not outweigh the harms identified and therefore the recommendation was for refusal.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation. He also advised that the second reason for refusal, regarding the phosphate impact, could be disregarded as the applicant had revised the layout and the Somerset ecology team were now satisfied. He also added that since the report had been published, the Highways Authority response had been received and they had no objections to the proposal.

There was one speaker registered. He was from the applicant's architect and made the following points:

- The existing planning permission was granted to a previous owner of the site.
- The current owner is willing to enter into a legal agreement to rescind this existing permission.
- The new house has been modelled on a dutch barn, iconic and typical of the rural English landscape.
- The footprint will be smaller than the footprint of the existing barn.
- The new scheme is an improvement on the previously approved scheme in overall design quality.
- The impact on the wider landscape is minimal and would only be seen at a distance in the context of other existing buildings to the west.
- There is only a single reason for refusal, that being the impact on the character of the local area. There have been no technical objections to the scheme.

In the discussion which followed Members made the following comments:

- There does not seem to be much opposition to the scheme and the Parish Council support, albeit with a request to replace any trees that are removed.



- The applicant is happy to rescind the existing planning permission. The legal agreement to do so can be delegated to Planning Officers.
- Unable to understand why this proposal would be less sustainable than the one already approved. It is very close to a cycle route.
- Concern about the height of the proposed Dutch Barn, which are also difficult to affix solar panels on.
- Due to the existing planning permission for a house nearby, unable to recognise that this scheme would represent an unacceptable form of development in the open countryside, or that it would create an urbanising effect.

At the conclusion of the debate, it was proposed by Councillor Claire Sully and seconded by Councillor Edric Hobbs to approve the application contrary to the Officer's recommendation.

On being put to the vote the proposal was carried with 7 in favour, 2 against and 2 abstentions.

## **RESOLVED**

That planning application **2024/0506/FUL** be **APPROVED** contrary to the Officer's recommendation as it was decided that as there was already planning permission on the wider site area for the demolition of an existing barn and the erection of a three-bed dwelling, the refusal reason regarding development in open countryside could not be upheld. That delegated authority be given to Officers to negotiate a suitable legal agreement to revoke the previously approved planning application 2021/2922/FUL and to impose necessary planning conditions. These are to be agreed in consultation with the Chair and Vice-Chair and divisional members.

**Votes – 7 for, 2 against, 2 abstentions**

### **19 4 Planning Application 2024/0398/FUL - Land at 375165 154879 Chickwell Lane to Wells Road, Hemington, Frome, Somerset - Agenda Item 9**

The Officer's Report stated that the application had been referred to the Planning Committee for probity reasons, as the agent was employed by the Council.

The Officer's Report continued that the site comprised an agricultural holding of 6 hectares in size that has been in intensive arable crop farming for many years. The proposal was to erect a holiday let cabin. A new parking area would be provided just inside the gate and visitors would walk across the fields to the cabin. A cycle parking area would also be provided.

Hemington Parish Council had recommended refusal.

The Officer's Report concluded that the principle of development was unacceptable as the site was within countryside outside the development limits where development is strictly controlled. The proposal did not represent sustainable development due to its distance from, and poor accessibility and connectivity to, local services and facilities. The limited economic benefits of the proposed

development did not outweigh the harms identified and was therefore recommended for refusal.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

The applicant was the only speaker on this application and he made the following points:

- Due to climate change, alternative ways of farming or other sources of income are being encouraged for farmers.
- This is a 16-acre site with wildflower meadows, wildlife ponds and plans to plant a traditional Somerset orchard. This takes significant investment and the cabin is therefore essential to fund these projects.
- It has been purposefully sited to attract couples and people that are looking to escape to the country. There is a growing market for this type of tourism.
- It is not expected that visitors will wish to travel to nearby attractions as the purpose of the stay would be to immerse themselves in the beauty of the countryside. Therefore, reliance on car travel would be only minimal.
- There is a public footpath nearby to Norton St Philip and the Tuckers Grave Inn nearby would provide refreshments.

In the discussion which followed Members made the following comments:

- The Parish Council had no votes in favour of this application when it was discussed at their meeting.
- There is no bus service along the A366 between Faulkland and Norton St Philip.
- Access via the rough track will have to be via a car. Cycling is unlikely and walking would be extremely dangerous due to the busy road.
- The crossroads by the Tuckers Grave Inn are very dangerous and there have been many accidents over the years.
- The site is unsustainable for a tourism unit, there is no connectivity to any services, and people will be forced to use private cars.
- The application would not be at Committee if the agent was not employed by the Council, therefore need to take note of the Officer's recommendation.

At the conclusion of the debate, it was proposed by Councillor Bente Height and seconded by Councillor Dawn Denton to refuse the application in accordance with the Officer's recommendation.

On being put to the vote the proposal was carried with 9 votes for, 1 against and 1 abstention.

## **RESOLVED**

That planning application **2024/0398/FUL** be **REFUSED** in accordance with the Officer's recommendation.

**Votes – 9 for, 1 against, 1 abstention**

**19** **Planning Application 2024/0544/CLP - 2 Rambler Court, Street, Somerset -**  
**5** **Agenda Item 10**

The Officer's Report stated that the application had been referred to the Planning Committee for probity reasons, as the applicant was employed by the Council.

The Officer's Report continued that the site is a modern, semi-detached residential property, situated within a residential area of Street and within Development boundaries. The application was seeking a lawful development certificate for the partial conversion of an existing residential double garage to create an office space for use by the residents of the existing property.

The Officer's Report concluded that as the proposed partial conversion of the existing garage includes internal works and does not involve enlarging the building, it is considered that the proposal is lawful and does not require planning permission and is allowed under permitted development.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

There were no speakers or debate. It was proposed by Councillor Martin Lovell and seconded by Councillor Philip Ham to consider the proposal be lawful, in accordance with the Officer's recommendation.

On being put to the vote the proposal was carried unanimously.

**RESOLVED**

That application **2024/0544/CLP** be **CONSIDERED LAWFUL** in accordance with the Officer's recommendation.

**Votes – Unanimous**

**19** **Planning Application 2023/2188/HSE - Oriel Cottage, 51 Church Lane,**  
**6** **Doultong, Shepton Mallet, Somerset - Agenda Item 11**

The Officer's Report stated that the application had been referred to the Planning Committee by the Vice-Chair as the Case Officer's recommendation to approve differed to that of the Divisional Member.

The Officer's Report continued that Oriel Cottage was a Grade II listed building which formed part of a row of 7 former estate cottages. The application sought permission to convert the barn to ancillary accommodation.

The concerns of the Divisional Member related to over development which would exacerbate parking issues. The Parish Council had supported the application.

The Report stated that in light of the Conservation Officers comments on the accompanying Listed Building Consent Application the design had been amended to

only include the conversion of the barn to ancillary accommodation.

The proposal would utilise the barn's current external materials along with wooden windows and doors. The proposed windows and doors would be located in the positions of the existing openings to the building.

The Officer's Report concluded that the proposal by reason of its design, siting, scale, massing, layout and materials was acceptable and contributed and responded to the local context and maintained the character and appearance of the surrounding area. The recommendation was for approval.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

The applicant had registered to speak but was not present at the meeting.

In the discussion which followed Members made the following comments:

- Concerns regarding access for No. 53 to the back of their property.
- Parking is already an issue, with cars being parked on the existing junction. The proposal could result in an additional 2 cars on site.

It was proposed by Councillor Edric Hobbs and seconded by Councillor Philip Ham to refuse permission due to parking and access reasons. On being put to the vote, there were 4 votes in favour, 5 votes against and 2 abstentions and therefore the proposal to refuse was not carried.

Members discussed the proposal further and the Planning Officer pointed out that the property does benefit from off street parking. Also, the proposal was for the addition of one bedroom and therefore this was not considered harmful enough to warrant refusal of the application. It is not a new dwelling, and the proposal is effectively an extension to an existing house which would not cause additional parking problems.

At the conclusion of the debate, it was proposed by Councillor Dawn Denton and seconded by Councillor Martin Lovel to approve the application in accordance with the Officer's recommendation.

On being put to the vote the proposal was carried with 5 votes in favour, 4 votes against and 2 abstentions.

## **RESOLVED**

That application **2023/2188/HSE** be **APPROVED** in accordance with the Officer's recommendation.

**Votes – 5 for, 4 against, 2 abstentions**

As this was the Listed Building Consent application for the previous application (2023/2188/HSE), it had been debated at the same time as Item 11.

At the conclusion of the debate, it was proposed by Councillor Dawn Denton and seconded by Councillor Martin Lovell to approve the application in accordance with the Officer's recommendation.

On being put to the vote the proposal was carried with 7 votes in favour, 1 vote against and 3 abstentions.

### **RESOLVED**

That application **2023/2189/LBC** be **APPROVED** in accordance with the Officer's recommendation.

**Votes – 7 for, 1 against, 3 abstentions**

#### **19 Appeals Report - Agenda Item 13**

**8**

The report of decisions made by the Planning Inspectorate between 1 July and 23 July 2023 was noted.

#### **19 Land at Underhill Lane, Ston Easton - 2022/1427/FUL - Agenda Item 14**

**9**

The Team Leader – Development Management, presented a report which the Chair had given prior approval to include in the agenda as an item of Urgent Business. He stated that the application 2022/1427/FUL was a cross-boundary application with BANES and it had been refused by both BANES and Somerset Council but had been progressed through to an appeal. A subsequent application (2024/0315/FUL) was approved by the May 2024 Planning East Committee in accordance with the Officer Recommendation.

The Planning Inspectorate had set a deadline of 20th August 2024 by which the Council would have to submit a Statement of Case confirming its position with regards to the appeal on Planning Application 2022/1427/FUL.

The recommendation within the report was that subject to the inclusion of the conditions and obligations approved by the East Area Planning committee for 2024/0315/FUL was that the Council do not seek to defend the appeal against 2022/1427/FUL.

It was proposed by Councillor Martin Lovell and seconded by Councillor Tony Robbins not to seek to defend the appeal against 2022/1427/FUL.

The proposal was carried with 1 abstention.

### **RESOLVED**

That the recommendation in the Officer's Report regarding the appeal against application **2022/1427/FUL** be **APPROVED**.

**Votes – 10 for, 1 abstention**

**(The meeting ended at 6.15 pm)**

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**CHAIR**