

Case Officer	Jennifer_Alvis
Site	Stonecot Fry's Lane To Mill Lane Batcombe Shepton Mallet Somerset
Application Number	2023/0411/FUL
Date Validated	20 March 2023
Applicant/ Organisation	Mr & Mrs J Cox
Application Type	Full Application
Proposal	Change of use from agricultural land to residential garden. Creation of driveway, hardstanding, turning and parking area.
Division	Mendip South Division
Parish	Batcombe Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Michael Gay

5.

What3Words -

Ward Member/ Chair and Vice Chair Referral

Referred to the Planning Committee (East) due to the application being a departure from the Local Plan, and the officer recommending approval.

Description of Site, Proposal and Constraints:

The application site relates to a property known as Stonecot, Fry's Lane to Mill Lane, Batcombe. The host property is an existing detached dwellinghouse with an area of open agricultural land to the east and north which also makes up part of the application site. The site lies within a Conservation Area, Somerset Levels and Moors Ramsar Risk Area.

The proposal seeks to create a new access and parking area on a section of land to the north of the main property which would involve the change of use of this area of land from agricultural to residential.

Relevant History:

No relevant history

Summary of Ward Councillor comments, Town/Parish Council comments, representations and consultee comments:

Ward Member: No response

Parish Council: Recommended approval subject to Highways not raising any objection. The creation of off street parking would greatly ease difficulties with large vehicles passing parked cars and provide a safer access to the property.

Highways: The application should be considered against the recommended Standing Advice.

Local Representations: No letters of local representation have been received.

Full details of all consultation responses can be found on the Council's website.

www.mendip.gov.uk

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Somerset Waste Core Strategy

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1 – Mendip Spatial Strategy
- DP1 – Local Identity and Distinctiveness
- DP4 - Mendips Landscapes
- DP7 – Design and Amenity of New Development
- DP9 – Transport Impact of New Developments
- DP10 – Parking Standards
- DP23 - Flood Risk

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance

- The Countywide Parking Strategy (2013)
- House Extension Design Guide

Assessment of relevant issues:

Principle of the Use:

The application relates to a small parcel of land that is directly adjacent to the existing residential curtilage of the host property and although the site is outside development limits, the parcel of land in question is closely associated with the main house. While the site is outside developments, the proposal is for a parking area which would be ancillary to an existing dwelling and not for an independent use. As such the development would not be considered to result in an increase in vehicle movements or other impact that would make this an unsustainable development. In addition, the creation of off street parking for a property which currently doesn't have any, would increase highway safety.

Given the siting and size of the plot it is not considered that the change of use to residential curtilage for the purpose of parking, will affect the agricultural use of the remaining field area.

Therefore, although the proposal for the change of use would not have policy support and therefore be considered a departure from the Local Plan, the overall scheme is considered acceptable in terms of potential harm and the manner in which the new use will function associated with the existing on plot dwelling.

Design of the Development and Impact on the Street Scene and Surrounding Area:

While the change of use of a section of the adjacent field to provide additional parking for the main house would affect the character of this section of land, no structures are proposed and as such the development would largely only consist of ground works. The proposed access would result in the loss of some hedgerow however accesses are a common feature along this section of highway and as such would not look out of character.

There is already residential development along this section of road with several properties located opposite and to the south of the application site, with domestic features facing onto the highway, so it's not considered an isolated rural location.

Given the above, it's considered that the proposal won't result in a significant detrimental impact on the character of the area and therefore complies with DP1, DP4 and DP7 of the Mendip Local Plan Part 1.

Impact on Residential Amenity:

Given the limited building works proposed within the application, it's not considered the proposal would have a detrimental impact on neighbouring residential amenity.

Therefore, it's considered the siting of the proposed development would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with Policy DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Highway Safety:

Prior to submitting the application the applicant sought advice from the Highway Authority in terms of the proposed access arrangements.

The proposed arrangements involve realigning and repositioning the existing retaining wall to allow for greater visibility splays when measured from 2.4m back from the highway. Positive drainage has also been incorporated into the scheme to prevent water discharging onto the highway. When measured from the Proposed Block Plan, the visibility splays achieved when measured 2.4 back from the highway are approx 30m in both directions, this visibility extends considerably as the vehicle egresses towards the highway.

No specific comments have been submitted by the Highway Authority regarding the new access for this proposal, instead referring to Standing Advice.

While the visibility splays proposed don't conform with the requirements for the national speed limit, Frys Lane to Mill Lane is a single lane carriageway and given the nature of the highway, the 85th percentile speed (the speed at or below which 85 percent of all vehicles are observed to travel under free-flowing conditions) is likely to be much lower than 60mph. Given the rationale as set out above it is considered that the visibility splays as provided allow adequate visibility onto the lane. In addition, the splays are also within the ownership of the applicant which would allow maintenance as required.

Given the number of existing accesses along this stretch of road, including to the south and west of the application site, it's not considered that the new access would result in any greater impact on highway safety, in fact it could be argued that the removal of parked vehicles from the narrow lane would improve highway safety. There would be ample space within the site for the parking and turning of vehicles which would allow for vehicles to exit

the site in a forward gear. Relevant conditions are recommended to control the access and parking as proposed.

Given the above the proposals are not considered to have a detrimental impact on highway safety and therefore it is concluded that policies DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework are satisfactorily addressed.

Environmental Impact Assessment:

This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Equalities Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Planning Balance & Conclusion:

In terms of the proposed access and new parking area on part of an existing agricultural field, whilst it is acknowledged that the development will be outside development limits, it will abut an existing residential property (and will be restricted in terms of its future use). From an assessment point of view given the scope of the proposals, the extent to which the proposed use of the land is to be controlled the proposed use is not considered to have a detrimental impact on the adjoining land uses, and or highway safety.

On this basis the application scheme is considered on balance to represent a sustainable form of development, and it is therefore recommended that planning permission be granted as a departure from the development plan.

Recommendation

Approval

Conditions

1. **Standard Time Limit (Compliance)**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2. **Plans List (Compliance)**

This decision relates to the following drawings: Location Plan, Existing Block Plan, Proposed Block Plan and 25/22/1A

Reason: To define the terms and extent of the permission.

3. **Vehicular Access (Compliance)**

The vehicular access hereby approved shall not be brought into use until it has been constructed in accordance with details shown on Proposed Block Plan and 25/22/1A. The vehicular access shall thereafter be permanently retained in accordance with the approved plans.

Reason: To ensure that suitable access is provided in the interests of highway safety in accordance with Policies DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Bound/Compacted Vehicle Access (Bespoke)**

No use of the access hereby approved shall commence until the approved vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel) for the first 5 metres of its length as measured from the edge of the adjoining carriageway. The access shall be retained as such thereafter.

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Erection of Gates (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), any gates erected or installed at the vehicular access hereby approved shall be permanently hung to open away from the public highway and set back a minimum of 6 metres from the adjoining carriageway edge.

Reason: To ensure that vehicles do not cause an obstruction in the interests of highway safety in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Ancillary Use Only (Compliance)**

The car parking area and new access hereby approved shall not be used other than in connection with the residential dwelling referred to as Stonecot and as shown on the location plan hereby submitted and approved.

Reason: In accordance with the proposals as submitted and given that there would be no policy support for a separate residential use or occupation on the site, and in accordance with policies CP1, CP2 and CP4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Informatives

1. Condition Categories

Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 116GBP per request (or 34GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent

although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

2. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.
3. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
4. Please note that your proposed work may also require Building Regulations approval, which is a separate consent process to the consideration of a planning application. The Council's Building Control team are available to provide Building Regulations advice from pre-application stage to completion of a development and can be contacted on 0300 303 7790. Further details can also be found on their website <https://buildingcontrol.somerset.gov.uk/>