

Application Number	2023/0687/FUL
Case Officer	Kirsty Black
Site	Middle Ivythorn Farm Ivythorn Lane Walton Street Somerset
Application Number	2023/0687/FUL
Date Validated	18 April 2023
Applicant/ Organisation	C & J Geall
Application Type	Full Application
Proposal	Construction of driveway and change of use of land to garden
Division	Mendip West Division
Parish	Walton Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Heather Shearer Cllr Ros Wyke

What3words:

The application site can be found by entering the following into www.what3words.com:

Bounty. Procured. Rubble.

Scheme of Delegation:

In accordance with the Scheme of Delegation, this application is automatically referred to the Planning Committee. This is because this residential development proposal outside of the development limits represents a departure from the development plan.

Description of Site, Proposal and Constraints:

This application concerns Middle Ivythorn Farm, located in Walton. The holding comprises of just under 6 hectares of land and includes a detached, farmhouse with outbuildings, garden, paddock and orchards. The existing main access to the site lies to south of the house from Ivythorn Lane. There is existing parking provision for several cars on the property. The application site lies within an SSSI Impact Risk Zone.

The application seeks consent to change the main residential access to the farmhouse. It is proposed to be via an existing field access to the east of the farmhouse. A new gravel driveway would be constructed to run along on the north side of the existing field boundary and using an existing access onto the public highway. The existing vehicular access (running south of the farmhouse) would be only be occasionally used – namely for putting the bins out.

In addition, this proposal seeks to change the use of a small area of land from agricultural land to residential garden in order to regularise the existing garden area; bring the new driveway in at the front of the house; and provide a slightly enlarged area of garden at the rear.

Relevant History:

None

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

Ward Member: No comments received.

Walton Parish Council: Recommends approval and comment the proposal appears to improve Highway visibility splays.

Local Representations: No comments received.

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)
- Mendip District Local Plan Part II: Sites and Policies (December 2021) Post JR Version)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)

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

- CP1: Spatial Strategy

- CP3: Supporting Business Development and Growth
- CP4: Sustaining Rural Communities
- DP1: Local Identity and Distinctiveness
- DP5: Biodiversity and Ecological Networks
- DP7: Design and Amenity
- DP8: Environmental Protection
- DP9: Transport Impact of New Development
- DP10: Parking Standards

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)

Assessment of relevant issues:

Principle of the Use:

Middle Ivythorn Farm lies outside of development limits where development is strictly controlled. The proposed development is associated with the existing farmhouse of an existing agricultural business. As such the proposed construction of a residential driveway and change of use of the land to residential does not have policy support and would represent a departure from the Development Plan. However, in this case there are considered to be material considerations which justify a departure from the Development Plan. The development is limited in scale and does not introduce a new planning unit in an unsustainable location, it simply extends the existing adjacent planning unit and increases the extent of residential curtilage. The encroachment into the countryside is limited, and the development overall does not conflict with the overall aims of the National Planning Policy Framework.

The development is considered acceptable in this case, subject to compliance with other relevant policies, concerned with design and impact of the development on the setting and on residential amenity as well as highway safety and access.

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

Policy DP1 states that development should contribute positively to the maintenance and enhancement of local identity, and proposals should be formulated with an appreciation of the built and natural context. DP7 states that the Local Planning Authority will support high quality

design, and that development should be of a scale, mass, form, and layout appropriate to the local context.

The new gravel driveway is considered appropriate in scale, design, and appearance, and would have a minimal visual impact on the rural location. Further to this, the proposed change of use of the land into a residential use as a garden will improve the visual appearance of the site and thus the proposal is considered acceptable in visual terms.

Whilst the development will marginally encroach into the countryside, this is considered to result in a very limited impact, and the development will be read in the context of the surrounding development. There will be no harm to landscape character.

Impact on Ecology

It is recognised that the development will necessitate the cutting back of a section of the existing field boundary hedgerow (fronting the public highway) to ensure adequate visibility is achieved when accessing the site. However to limit the development's impact on the local bird population a condition restricting its removal outside the months of March and August should be attached if approval is given in compliance with DP5 of the Local Plan Part 1.

Impact on Residential Amenity:

Given the nature of the development proposed and the existing use of the site, and the distance from residential occupants, the proposal is not considered harmful to residential amenity.

Therefore, given the design, scale, massing, and siting of the proposed development the proposal 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, odour, traffic, or other disturbance. The proposal accords with Development Policies 7 and 8 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Assessment of Highway Issues:

The proposal seeks to utilise an existing access onto Ivy Thorn Lane to the east of Middle Ivy Thorn Farmhouse and formalise the internal parking arrangements. The proposed development provides parking and turning spaces for at least 4 cars, in the northern part of the residential curtilage, complying with the standards as set out in the Somerset Council Parking Strategy 2013. It is considered that there is adequate space for cars to turn around and leave the site in a forward gear. Whilst the accesspoint, further to the east of the existing farmhouse, has good visibility in both directions. The proposal would not result in any increased vehicular movements to and from the site overall and would therefore result in no harm the highway network.

It is therefore considered that the means of access arrangements are acceptable and maintain highway safety standards. The proposal accords with Development Policy 9 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

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, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Conclusion

Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination then that determination must be made in accordance with the plan unless material considerations indicate otherwise.

Whilst the development is contrary to Policies C1 and CP4, which seek to restrict development in the open countryside, there are material considerations which justify a departure from these policies of constraint.

The development is therefore recommended for approval.

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: 1563/001 LOCATION PLAN, 2023-001 SITE PLAN EXISTING, 2023-002 SITE PLAN PROPOSED, 2023-003 SITE PLAN EXISTING and 2023-004 SITE PLAN PROPOSED. All received on 17th of April 2023.

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

3. **Nesting Bird Protection (Bespoke Trigger)**

No removal of trees, hedges or shrubs shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority. No tree hedge or shrub shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection scheme.

Reason: To protect nesting birds and prevent ecological harm in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4.

5. **Surface Treatment (Compliance)**

The proposed access over at least the first 6 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel). Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: To ensure the approved development maintains highway safety at all times in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Informatives

1. 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.

2. **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.

3. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. 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.

4. Under Section 163 of the Highways Act 1980 it is illegal to discharge water onto the highway. You should, therefore, intercept such water and convey it to the sewer.