

Committee date 12/12/2023

Application No: 44/23/00016

Application Type: Full Planning Permission

Case Officer: Amelia Elvé

Registered Date: 25/08/2023

Expiry Date: 23/11/2023

Parish: Shipham

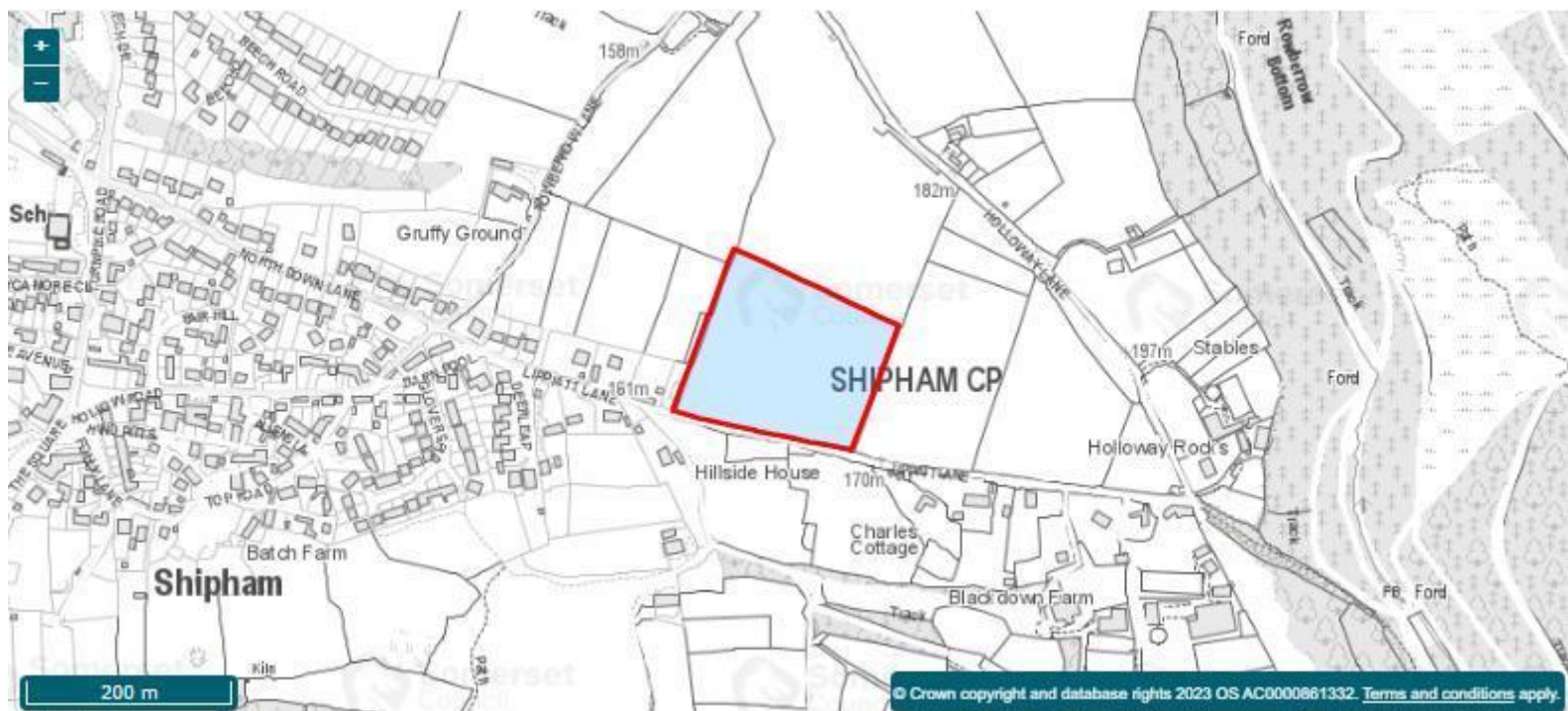
Division: Cheddar

Proposal: Change of use of agricultural land to mixed agricultural and equestrian use, with the erection of stable block and hay/machinery store.

Site Location: Land On North Side Of Lippiatt Lane, Lippiatt Lane, Shipham, Winscombe, Somerset

Applicant: Miss P Lait

**** THIS APPLICATION IS CODED AS A MAJOR APPLICATION ****



Committee decision required because

The officer's recommendation is contrary to the view of the Parish Council and this is a major

application (based on site area).

Background

The application site is an agricultural field to the north of *Lippiatt Lane*, a public bridleway. Established hedgerow is present along all of the boundaries. The site is currently served by an existing field access with gate, that is set in from the track with a pull-in area.

The application seeks consent for the change of use of the land to allow for mixed agricultural and equestrian use. The scheme also include the erection of a timber clad stable block, measuring approx. 22.8m x 4.8m, with a ridge height of approx.. 2.9m. An agricultural storage building is also proposed, also timber clad, measuring approx. 9.0 x 4.8m with the same ridge height.

Relevant History

None

Supporting information supplied by the applicant

Location Plan Drg No. OS 100042766

Block Plan Drg No. 0002

Proposed Stables Floor & Elevations Plan Drg No. P3 Rev 02

Proposed Hay Barn Floor & Elevations Plan Drg No. 1 P3 Rev 02

Consultation Responses

Shipham Parish Council – Object

Shipham Parish Council object to this proposal on the grounds of the visual impact of the roof line and the proximity of the buildings to the road.

Environmental Health – Comment recommending a condition to ensure that manure and bedding is stored appropriately.

SW Heritage – No objection

There are limited or no archaeological implications to this proposal.

Mendip Hills AONB Service – Objection

We do not consider that this application meets any of the conditions to satisfy the exceptional

circumstances (of paragraph 177 of the NPPF), therefore we object to this application as a major application in the AONB.

Ecology – No objection and recommendation of appropriate conditions in respect of external lighting, biodiversity enhancements.

Rights of Way – No objection and an informative to be provided.

Lead Local Flood Authority – Comment recommending conditions to secure further drainage details.

Highways – Standing Advice on the basis the proposal is for private use and not for any business/commercial use.

Representations

3 letters of support from 3 addresses, raising the following planning considerations:

- Limited visual impact due to the position and screening of the stable
- Adequately distanced from residential properties
- In-keeping with the area where there are other stables
- Equestrian use of the land is acceptable
- Utilising existing field access
- Slope of the land would not impede drainage

1 letter of objection from 1 address, raising the following planning considerations:

- Development would result in increased surface water run off which would impact the lane.

Most Relevant Policies

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF require that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Framework July 2021

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed places

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

Sedgemoor Local Plan (2011-2032)

CO1: Countryside

D1: Flood Water and Surface Water Management

D2: Promoting High Quality and Inclusive Design

D14: Managing the Transport Impacts of Development

D19: Landscape

D20: Biodiversity & Geodiversity

D23: Bat Consultation Zone

D25: Protecting Residential Amenity

D26: Historic Environment

Main Issues

Principle of Development

The application site lies outside of any Development Boundary and proposals in such locations are strictly controlled unless a specific locational requirement can be demonstrated, as set out in policy CO1.

The proposed use of the site requires a rural location, and it is therefore considered that the principle of the development complies with policy CO1 of the Local Plan.

Visual Amenity & Landscape

Policy D2 seeks to achieve high quality, sustainable and inclusive design which responds positively to and reflects the local characteristics of the site and identity of the surrounding area and be of a design solution that makes the most efficient use of land through appropriate densities, whilst recognising the need for positive treatment of the spaces around and between the building.

Policy D19 of the Local Plan supports development within the setting of AONBs if potential harm can be *negated through appropriate and acceptable* mitigation measures. The policy seeks to protect and enhance the natural environment wherever possible and seeks to ensure that schemes incorporate mitigation and compensation measures.

The application site is within the Mendip Hills AONB designation. Paragraph 177 of the NPPF sets out that when considering applications within an AONB, permission should be refused other than in exceptional circumstances, and an assessment made of *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

The application is classed as a major development solely based on the area of land that is within the red line. The vast majority of the site will remain as is – and is simply included within the red line to allow for its change of use to allow for equestrian uses as well as agricultural – both uses that are typical for rural areas. The proposal does include two buildings, a stable and agricultural store, however these are of a modest scale and finished with appropriate detailing that is not considered to harm the visual impact of the site or the wider protected landscape. The proposed buildings are well sited along the field boundary and would not appear as incongruous additions to the landscape.

Considering the minimal change to the site, the suitable positioning of the modest sized rural buildings, the proposal is not considered to have a detrimental impact on the environment, landscape or recreational opportunities of the AONB. As such, the proposal is considered to be compliant with policies D2 and D19 of the Local Plan.

Surface Water Management

Policy D1 of the Local Plan seeks to ensure that the surface water run off generated from development is adequately assessed and does not result in a detrimental impact on the wider area and existing water courses.

The LLFA have reviewed the submitted documents and have requested conditions are imposed for

further details to be provided prior to commencement of development. The applicant is agreeable to the imposition of this condition, and it is therefore considered that in this respect, the proposal complies with policy D1 of the Local Plan.

Residential Amenity

Policy D2 states that development should 'respect the amenity value of the occupiers of nearby buildings or the wider area' and new development should deliver buildings that are "enjoyable to use". This is further supported by Policy D25 which states that 'Particular consideration will be given to the extent that the proposal could result in unacceptable impacts'. This includes consideration of loss of privacy, overlooking, visual dominance, loss of light, noise/disturbance, odour, fumes, vibration and living conditions of future occupants.

The closest residential dwelling is sited approx. 24m from the boundary of the application site, and approx. 80m from the proposed stable building. Due to this distance from the proposed buildings it is considered that there would not be any detrimental impact in respect of overdominance, overshadowing or overlooking.

Environmental Health have reviewed the application and have recommended an appropriate condition to ensure that any manure/bedding is stored in a manner that does not give rise to any detrimental impact to the amenities of neighbouring residents.

It is therefore considered that the application is compliant with policies D2 and D25 of the Local Plan.

Highways Safety

Policy D14 of the Local Plan states that managing the transport impacts is essential for creating sustainable communities. The policy sets out that development proposals should seek to manage the transport impacts of development.

The Highways Authority consider *Standing Advice* to apply to this proposal, providing the

development is solely used for private purposes. In respect of this application, in addition to the use being secured as non-commercial, the development should not impede on highways safety.

The site is currently accessed by an existing vehicular access and pull in area onto *Lippiatt Lane*, a bridleway. The proposed use is not considered to unacceptably intensify the use of the access and is considered to be adequate to allow for vehicles to safely enter and exit the site. As such, the application is compliant with policy D14 of the Local Plan.

Ecology

Policy D20 of the Local Plan seeks for proposals to contribute to maintaining and where appropriate enhancing biodiversity and geodiversity. The application site lies within a Bat Consultation Zone and policy D23 of the Local Plan seeks to secure relevant mitigation measures that could protect relevant species from the impacts of development.

The ecologist has reviewed the application and has requested conditions to secure appropriate mitigation measures and biodiversity enhancement. It is therefore considered that the proposal is compliant with policy D20 of the Local Plan.

Historic Environment

Policy D26 sets out that development proposal should avoid harm to, sustain and, where appropriate enhance the significance of heritage assets and their setting, in a manner consistent with their historical significance.

The location of the proposed development lies atop of an archaeological site. SW Heritage have raised no objection and therefore in this respect, the application is considered to be compliant with policy D26 of the Local Plan.

Conclusion

Due to the size and scale of the proposed buildings, and the proposed rural use it is considered that the principle of the development is acceptable, and would not result in an unacceptable impact on visual or residential amenity, highways safety, surface water drainage, ecology or historic environment. As such, the application is compliant with policies CO1, D1, D2, D14, D19, D20, D23, D25 and D26 of the Sedgemoor Local Plan 2011-2032.

RECOMMENDATION

GRANT PERMISSION

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule A.

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

- 3 Prior to the installation of any external lighting, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

- 4 Prior to the first use of the development hereby approved, a biodiversity enhancement plan shall be submitted to and approved by the Local Planning Authority. The measures once approved shall be installed prior to the first use of the development hereby approved and retained and maintained thereafter in perpetuity.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework.

- 5 The development hereby approved shall solely be used for the private needs for the owner and for no commercial purpose.

Reason: In the interest of highways safety as in accordance with policy D14 of the Sedgemoor Local Plan 2011-2032.

- 6 Prior to the commencement of development, details of the surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. The development shall include measures to control, attenuate and discharge surface water. The approved measures shall be installed prior to the first use of the development hereby approved, and retained and maintained thereafter in perpetuity.

Reason: This is a pre-commencement condition to ensure the development is properly drained and to safeguard the long-term maintenance and operation of the proposed system as in accordance with the NPPF and policy D1 of the Sedgemoor Local Plan 2011-2032.

Schedule A

Location Plan Drg No. OS 100042766

Block Plan Drg No. 0002

Proposed Stables Floor & Elevations Plan Drg No. P3 Rev 02

Proposed Hay Barn Floor & Elevations Plan Drg No. 1 P3 Rev 02

DECISION