

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](http://www.somerset.gov.uk). Application for such a permit should be made at least four weeks before access works are intended to commence.

