

Application Details	
Application Reference Number:	20/23/0044
Application Type:	Removal or Variation of Condition(s)
Earliest decision date:	15 December 2023
Expiry Date	18 January 2024
Extension of time	
Decision Level	Chair/Vice Chair Referral
Description:	Removal of Condition No. 05 (holiday occupancy) of application 20/05/0005 on Plots 15 to 18 Mill Meadow, Parsonage Lane, Kingston St Mary
Site Address:	15-18 MILL MEADOW, PARSONAGE LANE, KINGSTON ST MARY, TAUNTON, TA2 8HL
Parish:	20
Conservation Area:	NA
Somerset Levels and Moors RAMSAR Catchment Area:	Within
National Landscape (AONB):	NA
Case Officer:	Briony Waterman
Agent:	
Applicant:	MR C HEAYNS
Committee Date:	
Reason for reporting application to Committee	Chair Referral

## 1. Recommendation

1.1 That permission be REFUSED.

## 2. Executive Summary of key reasons for recommendation

2.1 The proposal also seeks to remove condition no 05 (holiday occupancy) of application 20/05/005, this condition states:

*“The occupation of the holiday accommodation shall be restricted to bona fide holidaymakers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.*

*Reason: The accommodation provided is unsuitable for use as a permanent dwelling because of its size, and inadequate facilities on site and the Local Planning Authority wish to ensure the accommodation is available for tourism in accordance with Taunton Deane Local Plan Policy EC23”.*

It is considered that removing the condition restricting the site to use as holiday accommodation is contrary to policies SP1 and SB1 of the Site Allocations and Development Management Plan and policies CP1, SP4 and DM2 of the Taunton Deane Core Strategy. as the site falls outside of the defined settlement limits of Kingston St Mary it is also contrary to paragraph 84 of the National Planning Policy Framework.

### **3. Planning Obligations, reason(s) for refusal and informatives**

#### 3.1 Reasons for refusal (full text in appendix 1)

##### 3.1.1 Outside settlement limits

#### 3.2 Informatives (bullet point only)

##### 3.2.1 Proactive Statement

#### 3.3 Obligations

N/A

### **4. Proposed development, site and surroundings**

#### 4.1 Details of proposal

Removal of Condition No. 05 (holiday occupancy) of application 20/05/0005 on Plots 15 to 18 Mill Meadow.

#### 4.2 Sites and surroundings

The proposed site is located within the Mill Meadow Eco-holiday lodges to the North of the site. The site is located to the south of Kingston St Mary, outside of the settlement limits. The site is accessed via an existing access from Parsonage Lane.

### **5. Planning (and enforcement) history**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
20/23/0019	Removal of Condition No. 05 (holiday occupancy) of application 20/05/0005 and variation of Condition No. 01 of 20/22/0027 (approved plans) at Plots 15 to 18 Mill Meadow,	Grant	17/08/2023
20/22/0027/NMA	Application for a non-material amendment to application 20/05/0005 to add a condition listing the approved plans to enable a future section 73 application to amend the design of the approved holiday lodges.	Conditional approval	21/09/2022
20/22/0014/LEW	Application for a lawful development certificate for an existing use of a building as a dwelling	Decision of approval	18/08/2022

20/22/0019/NMA	Application for a non-material amendment to application 20/05/0005 to add a condition listing the approved plans to change the building	Refusal	22/06/2022
20/10/0004	Erection of detached 3 bedroom dwelling for accommodation for warden/manager and dependants in connection with tourism business and carp fishery together with separate services and storage facilities	Conditional approval	08/01/2013
20/06/0039	Amendment to wording of condition 3 of permission 20/2006/026	Allowed at appeal	29/03/2007
20/06/0038	Amendment to wording of condition 6 of permission 20/2005/022	Allowed at appeal	29/03/2007
20/06/0037	Amendment to wording of condition 5 of permission 20/2005/05	Allowed at appeal	29/03/2007
20/06/0026	Conversion of building into two units for holiday lets and removal of conditions 5 and 6 of planning permission 20/2000/025	Conditional approval	02/11/2006
20/05/0022	Erection of 13 log cabins for holiday let	Conditional approval	06/12/2005
20/05/0012	Erection of 13 log cabins for holiday let	Conditional approval	16/09/2005
20/05/0005	Erection of 5no. log cabins for tourism/education	Conditional approval	26/04/2005

## 6. Environmental Impact Assessment

NA

## 7. Habitats Regulations Assessment

The earlier permission was for five holiday units, one of which has been built out and occupied as a permanent residential dwelling. The permission is considered to be lawfully implemented and the four additional units could be built out at any time. This application therefore benefits from an existing 'fallback position' allowing the proposal to be screened out from requiring a HRA to demonstrate nutrient neutrality.

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 not required as the Council is satisfied that as the proposed development seeks to remove the holiday condition it does not increase the number of units of accommodation on the site or amend drainage details and will not therefore increase nutrient loadings at the catchment's wastewater treatment works. The Council is satisfied that there will be no additional impact on the Ramsar site (either alone or in combination with other plans or projects) pursuant to Regulation 63 (1) of the Habitats Regulations.

## 8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 23 November 2023

8.2 Date of revised consultation (if applicable): N/A

8.3 Press Date: N/A

8.4 Site Notice Date:

8.5 **Consultees** the following were consulted:

<b>Consultee</b>	<b>Comment</b>	<b>Officer Comment</b>
KINGSTON ST MARY PARISH COUNCIL	<p>Support:</p> <p>Help meet the need for additional 2/3 bedroom housing as evidenced in the Housing Needs Survey. Smaller residential accommodation is a social benefit to the community. Complies with para 78 of the NPPF.</p> <p>Mill Meadow is not located in open countryside and is in a sustainable location. Surrounded by existing properties in the heart of the Mill Cross residential area. Regular bus service, and within safe walking distance to the village amenities, this accords with para 79 of the NPPF</p> <p>Plots 19 and 20 are already built and 15-18 have planning permission, the PC would prefer that these properties were available as full time residential occupancy rather than as holiday homes, this is considered to be a more efficient use of the land</p> <p>Mill Meadow properties are eco houses of an exceptional design. High levels of energy efficiency , making the dwellings more resilient to</p>	See section 10

	<p>climate change. To help future proof the site each plot will have its own EV charging point and residents will be able to participate in a subscription scheme to have the use of a EV pool car</p> <p>Although not obligated, the applicant is willing to offer an affordable housing provision in perpetuity for people who satisfy a local connection eligibility requirement or a financial contribution in lieu of affordable housing, equivalent to 25% of the 6 properties included in these 2 planning applications, secured by a legally binding S106 agreement. Affordable housing secured by a S106 agreement is appreciated by the PC.</p> <p>KSM neighbourhood plan for their regulation 16 consultation which runs to the 11th Jan 2024. Plan states that modest development will be welcomed to secure the long term sustainability and prosperity of the Parish.</p>	
SCC - TRANSPORT DEVELOPMENT GROUP	Standing advice. LPA should take into consideration, vehicular and cycle parking standards, and EV charging points in line with the relevant strategy.	See section 10
WESSEX WATER	No comments received	
ECONOMIC DEVELOPMENT	No comments received	
Housing Enabling Team	The Housing Enabling team has considered the three proposals. Following further research, the Discounted Open Market options are not viable particularly given the construction type of the dwellings.	See section 10.1.3

	<p>An Affordable Housing financial contribution has been calculated based on 1.5 dwellings incorporating the indicative market values provided within the application and equates to a financial contribution of £151,292 in lieu of affordable housing on site.</p> <p>The Affordable Housing financial contribution should be secured through a S106 planning agreement and be index linked for payment due upon completion of both plots 19 and 20 and prior to residential occupation of plots 15 –18.</p> <p>The Affordable Housing policy for use of financial contributions states ‘the Council will use the financial contributions in the following ways:</p> <ul style="list-style-type: none"> <li>• Fund the provision of new affordable housing through Registered Providers;</li> <li>• Purchase land for new affordable housing schemes either directly by the Council or through Registered Providers;</li> <li>• Fund activities relating to the delivery of affordable housing.’</li> </ul> <p>The Housing Enabling team will continue to work with the Parish Council and Kingston St Mary Community Land Trust to sustain and deliver Affordable Housing opportunities within the parish.</p>	
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## 8.6 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

32 number of letters have been received making the following comments (summarised):

Support	Officer comment
Need smaller affordable housing	Noted
Application meets an urgent local need	Noted
High quality sustainable housing to meet the identified	Noted

residential need	
Limited number of properties accessible to younger families	Noted
Allow people to downsize	Noted
Lack of affordable housing in the locality	Noted
Outstanding eco-credentials, including a negative carbon footprint	Noted
Does not conflict with any Somerset Council Policy	See section 10.1.1
Fits the housing need	Noted
A community land trust has been established with the aim of enabling two/three bedroom properties, with a focus on affordability	Noted
The opportunity of providing affordable housing now, or to have a contribution towards affordable housing through this application is very positive	Noted
The local occupancy clause in the S106 will give local residents an opportunity to secure the units before they go onto the open market	Noted
Give young families a better chance of buying other 2/3 bed family houses	Noted
High quality sustainable housing	Noted
Affordable housing for local people	See section 10.1.3
Increase housing stock rather than holiday lets	Noted
Housing needs survey highlighted the requirement of some residents wishing to downsize and stay in the village	Noted
Benefits the economy year round	Noted
Why allow second homes but not local housing	Noted
AirBnB has meant the new build of holiday homes is uneconomical	Noted
New build of holiday homes in uneconomical	Noted

Comments from Cllr Darch in support:

- Evidenced need for properties for downsizing in Kingston St Mary (see Neighbourhood Plan) and the addition of affordable housing options in this application provides significant social benefit to the community.
- Exceptional design, existing properties at Mill Meadow are eco houses with high levels of energy efficiency. Benefit future owners in terms of energy costs.
- Amenity: original submission concern was expressed by the committee about the lack of gardens for these properties, the applicant has advised that if there is a requirement for designated areas to be removed from the existing "wild areas" and made available for domestic use it can be addressed by raised planters adjacent to each dwelling. However, those interested in downsizing are likely to be looking for low maintenance gardens.
- Environmental gain and sustainability: although phosphate mitigation is not a requirement due to extant consent there is phosphate capture capacity onsite through a silt trap pond that then feeds the main lake, which has extensive marginal planting that is managed by a cycle of coppicing and replanting capturing phosphates. There is provision for EV chargers for each unit and plans for a new substation for future proof the site, the management company has the powers to introduce a suitable EV pool car for the development.

## 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 strongly 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).

As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council will be bringing forward a Local Development Scheme to agree the timetable for the preparation of the local plan and scope in due course. Relevant policies of the development plan in the assessment of this application are listed below:

SP4 - Realising the vision for rural areas,  
SB1 - Settlement Boundaries,  
DM1 - General requirements,  
DM2 - Development in the countryside,  
SP1 - Sustainable development locations,  
SD1 - Presumption in favour of sustainable development,  
A5 - Accessibility of development,  
CP8 - Environment,

### 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:

A Kingston St Mary Neighbourhood Plan, is at the time of writing, out for consultation under Regulation 16, and at this stage can only carry little weight as a material consideration.

### National Planning Policy Framework – December 2023



## 10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

### 10.1.1 History

Application 20/02/005 approved 5 log cabins, now known as plots 14,15,16,17 and 18 Mill Meadow. Only Plot 14 has been constructed. Plot 14 is occupied as a single storey dwelling. The design differed from the approved design. This variation and the residential occupancy has been regularised through the approval of Certificate of Lawfulness. The permission for the remaining cabins is safeguarded by the commencement on the site. Condition 5 of the original permission stated:

“The occupation of the holiday accommodation shall be restricted to bona fide holidaymakers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all times.

Reason: The accommodation provided is unsuitable for use as a permanent dwelling because of its limited size, and inadequate facilities on site and the Local Planning Authority wish to ensure the accommodation is available for tourism in accordance with Taunton Deane Local Plan Policy EC23.”

Application 20/06/0037 sought permission to alter the wording of condition no 5 to:

“The chalets shall be occupied for holiday purposes only. The chalets shall not be occupied as a person’s sole or main residence. The site operator or owner shall maintain as up to date register of the names of all owners/occupier of individual chalets on the site and of their main home addresses and shall make this information available at all reasonable times to the local planning authority. For the purposes of this condition, holiday purposes shall mean that each chalet shall be available for rent by various groups or individuals (other than and in addition to the owner) for leisure and recreational purposes”.

Permission was refused by the Local Planning Authority for the following reason:

“The proposed amended wording would make it difficult to enforce against the accommodation being occupied on a long term/permanent basis rather than as short term holiday accommodation, which would be contrary to open countryside policies and sustainable development objectives and would reduce the economic benefits of the accommodation, which justifies its presence in this open countryside location in accordance with Taunton Deane Local Plan Policies S7 and EC24.”

This refusal was appealed. In March 2008, the Inspector allowed the appeal but imposed the following condition:

“The chalets shall be occupied for tourism purposes only and shall not be occupied as a person’s sole or main residence. The site operator and owners shall maintain an up-to-date register of the names of all owners/occupiers, including their guests, of individual chalets on the site and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.”

20/06/0037 is now a freestanding planning permission which sits in parallel with the original permission 20/02/005. The current application now seeks to remove the occupancy condition to allow unfettered residential occupancy.

#### 10.1.2 The principle of development

The application lies outside the defined settlement limits and is therefore considered to be within the open countryside as identified by Policy SP1 of the Site Allocations and Development Management Plan (SADMP). As such policies CP1, CP8, SP4 and DM2 of the Taunton Deane Core Strategy are considered relevant.

Policy SB1 refers to the settlement boundaries which sets out "*In order to maintain the quality of the rural environment and ensure a sustainable approach to development, proposals outside of the boundaries of settlements identified in Core Strategy policy SP1 will be treated as being within open countryside and assessed against Core Strategy policies CP1, CP8 and DM2 unless:*

- A. *It accords with a specific development plan policy or proposal; or*
  - B. *Is necessary to meet a requirement of environmental or other legislation;*
- and*

*In all cases, is designed and sited to minimise landscape and other impacts."* The proposal does not meet a specific development plan policy nor is it necessary to meet a requirement of environmental or other legislation as such the proposal will be assessed under policies CP1, CP8 and DM2 as outlined below.

Core Strategy Policy SP1 establishes the desire to provide sustainable development, which focuses development in the most sustainable and accessible locations. This policy states that outside of the settlement boundaries, development will be treated as within the open countryside and therefore Policy DM2 shall be applied. This identifies the type of development considered as acceptable for which open market housing is not supported other than in very specific circumstances. The 5 units were granted permission in the first instance due to their use as holiday lets, which was reconfirmed at the appeal in 2006 when the Inspector reimposed an occupancy use for the holiday use.

The location of is proposal is not identified within SP1 as a major or minor rural centre. It is one of the villages listed that retain settlement boundaries and have no further allocations made through the SADMP but does allow for small scale proposals within the settlement limits. The proposed development is therefore considered contrary to Policy SP1, outside of a defined settlement boundary for Kingston St Mary and not within a sustainable location.

Policy SP1 re-enforces the need to shape "patterns of development to reduce the need to travel, reducing pollution and CO2 emissions". By having defined settlement boundaries, the Local Planning Authority is seeking to apply strict control over sustainability. It is noted that there is a footpath from the site to the centre of the village, however it is likely that the occupiers of the proposed development would be reliant on the private car rather than walking along an unlit footpath, for things other than basic day to day needs. Within the appeal decision, reference

APP/W3330/21/3289579, the Inspector states that the lack of street lighting and continuous footpath connecting the site to the nearest settlement would discourage pedestrians and cyclists from using alternative modes of transport to the private car, this is considered to be the case with the current proposal, it is therefore considered contrary to policy SP1.

Policy DM2 is positively worded and sets out what type of development will be supported in the open countryside of which open market residential is not one. In the case of residential dwellings, the policy is specifically related to replacement dwellings, dwellings linked to agriculture and forestry employment and affordable housing where it can be demonstrated that this cannot be accommodated within the nearest Rural Centre. The proposed development is for none of these. Whilst DM2 does not specify what types of development should be resisted, comments received from the Council's Policy Officer have stated that this "should logically be read into the policy, and it does not mean that other development would thereby be considered acceptable".

Within the justification for Policy DM2 it states that "Tourism is a key element of the local economy, providing around 1500 jobs and generating an estimated £129 million in 2007. The Somerset Delivery Plan recognises the need for sustainability so as not to undermine the local environmental quality." The use of these units as dwellings would result in a loss of tourist income for the site and a reduction in the tourist spend in the area. No justification has been submitted to show that there is no longer a need for holiday lets in the area.

Policy CP1 requires that "development proposals should result in a sustainable environment and will be required to demonstrate that the issues of climate change has been addressed by:

a: Reducing the need to travel through locational decisions and where appropriate, providing a mix of uses: and/or  
h: impact on the local community, economy, nature conservation or historical interests does not outweigh the economic and wider environmental benefits of the proposal."

The developments "eco" credentials are noted, as is the care taken to promote biodiversity and sustainable practices such as electric charging points. However, given the location of the proposal, approximately 2.6 miles from the nearest railway station in Taunton, along an unlit road with no cycle path and an irregular bus route, with no safe lit pedestrian route to the village, occupiers of the dwellings would have to travel for everyday activities such as work, school, shops etc. The limited local services, facilities and amenities would increase both the use and reliance on the private car which is contrary to policy.

Policy A5 relates to accessibility, the policy states that residential development should be within walking distance of, or should have access by public transport to, a wide range of services and facilities. The proposed dwellings would be outside the settlement boundary, although not isolated from other dwellings, there is no safe walking route to facilities and an irregular bus service. The proposal is therefore considered contrary to both policies CP1 and A5.

Policy CP8 states that "Development outside of settlement boundaries will be permitted in a limited number of circumstances and are subject to a number of criteria including "be appropriate in terms of scale, siting and design: and protect,

conserve or enhance the landscape and town scape character whilst maintaining green wedges and open breaks between settlements. and provide for any necessary mitigation measures". The removal of the Condition no. 5 relating to holiday occupancy on four of the units would not significantly change the appearance of the buildings and is considered to comply with policy CP8 of the Taunton Deane Core Strategy.

Policy SP4 states that "Growth in the rest of the borough will be limited, respecting and reflecting the rural character and sustainability considerations". The policy goes on to state that "it is vital that any development respects the integrity of the countryside". The proposed removal of Condition no. 5 to allow for residential occupancy would be in conflict with Policy SP4 in that it is outside settlement limits which would not respect the rural character or sustainability considerations and would be detrimental to the visual amenity of the area.

Paragraph 84 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or rear their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused building and enhance its immediate setting;
- d) the development would involve the sub-division of an existing residential building; or
- e) the design is of exception quality, in that it
  - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas and
  - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

The proposal to remove the tourist condition and to allow open market residential occupancy is considered contrary to the above paragraph and the general sustainability principles of the NPPF.

Given the above it is considered that the proposal would be in conflict with policies SP1, SB1, SP4, CP1, DM2 and A5 and is unacceptable in terms of policy, given the location of the proposals.

### 10.1.3 Affordable Housing

The proposal for Plots 15-18 does not include any affordable housing provision. The reference to the affordable housing within the supporting documents, is in respect to the separate application (reference 20/23/0045) relating to plots 19 and 20. Policy does not require affordable provision for developments of this size as the number of units proposed is below the threshold.

A number of comments received state that the proposal would provide affordable housing, but this is not the case for the reasons set out above.

#### 10.1.4 SHLAA and Five Year Housing Land Supply:

The latest housing land supply position is published in the 2023 SHLAA for Somerset West Area (formerly Somerset West and Taunton). For the former Taunton Deane LPA the Housing Land Supply is 5.16. Therefore, the 'tilted balance in Paragraph 11(d) of the NPPF is not applicable as a five year housing land supply can be demonstrated.

#### 10.1.5 Kingston St Mary Neighbourhood Plan

The Planning Practice Guidance states that "An emerging neighbourhood plan is likely to be a material consideration in many cases. Paragraph 48 of the revised National Planning Policy Framework sets out that weight may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies." Ref ID 41-007-20190509.

The Kingston St Mary Neighbourhood Plan is at Examination. The Regulation 16 consultation finished on Friday 19 January 2024. No significant objections to the policies in the Neighbourhood Plan were received during that consultation. The Examination will establish the degree of consistency with the NPPF, TDBC Core Strategy and TDBC Site Allocations and Development Management Plan.

The emerging Kingston St Mary Neighbourhood Plan (KSMNP) proposes a change to the settlement limit, and have produced a supporting document. However, the Neighbourhood Plan makes clear that this is unlikely to be adopted until the new unitary authority has a new Local Plan, as stated on page 67 of the KSMNP:

*"Alterations to Settlement Boundary It is also worth noting that submissions have been made by the Parish Council in respect of the Settlement boundary. In relation to the settlement boundary the Parish Council requested in 2021 for Kingston St Mary village's settlement boundary to be extended (see the Settlement Boundary report in Supporting Guidance). However, this change, if accepted, is unlikely to be adopted until the new Unitary authority creates a new Local Plan"*

At this stage the Neighbourhood Plan carries little weight as a material consideration.

#### 10.1.6 Highways

There is an extant permission to build out the four units as holiday lets and it is considered that the proposal would increase the number of vehicle movements including those from deliveries. However, there is an existing access with good visibility splays and space for vehicles to pass off the highway. It is considered that the proposal would not result in an unacceptable rise in vehicle movements.

### 10.1.7 Visual impact

It is considered that the removal of the holiday occupancy condition could increase the domestic paraphernalia associated with full time, permanent residential occupancy. However, the site is well screened from public viewpoints and the highway and therefore the proposal is not considered to give rise to a significant impact upon the visual amenity of the area.

### 10.1.8 Residential impact

It is considered that the proposed development would not have a significant impact upon the residential amenity of the surrounding properties due to its location outside of the village. The four residential units would be located in an area removed from the holiday units at the far end of the site grouped around a roundabout. It is considered that due to this separation that there would not be a significant impact upon the residential amenity of the future occupiers.

### 10.1.9 Self build.

In response to the agent raising the question of “self-build” guidance from the planning policy team was sought which stated the following: *“The former TDBC area does not have a specific policy on Self-Build or Custom-Housebuilding (SCB). The Core Strategy seeks a mix of new housing types, sizes and tenures to meet the needs of the former Borough (Policy CP4). SCB would be part of that mix of housing. There are many types of SCB housing which results in a very broad definition. I understand that the applicant has asked if they can condition units to those on the Register of Interest. I would advise against such a condition because whilst the Register of Interest is one tool that indicates interest in SCB it is not an exhaustive list, and planning permission for SCB is not precluded if someone is not on the Register of Interest. In addition, it is worth noting that since the Council has maintained a Register of Interest it has granted more permissions or permissions in principal than number of plots indicated by the Register. The Council will be commissioning a Local Housing Needs Assessment and Strategic Housing Market Area study as part of the Local Plan to establish more accurate requirements for SCB.”* It is therefore considered that whilst SCB can form a sought after and welcome addition to a tenure mix, the benefits do not outweigh the concerns outlined above.

### 10.1.10 Conclusion

For the reason stated above it is considered that the application should be refused, as the location is outside of settlement limits within the open countryside and contrary to policies DM2, SD4 and CP1 of the Taunton Deane Core Strategy and policies SP1, A5 and SB1 of the Taunton Deane Site Allocations and Development Management Plan.

## **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.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is refused.

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 – Reason/s for Refusal**

- 1 The proposed development is outside any defined settlement limits and therefore falls within open countryside. The site is located in an unsustainable location where future occupiers would be heavily reliant on the private car to access facilities and amenities that are not available within close proximity to the site. The proposed is therefore contrary to policies DM2, SD1, SP4 and CP1 of the Taunton Deane Core Strategy and policies A5, SP1 and SB1 of the Taunton Deane Site Allocations and Development Management Plan and Paragraph 84 of the National Planning Policy Framework.

### Notes to applicant.

In accordance with paragraph 38 of the National Planning Policy Framework 2023 the Council works in a positive and creative way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

