

Application Number	2023/2434/FUL
Case Officer	Carlton Langford
Site	Land At 362036 145587 Windsor Hill Lane Downside Shepton Mallet Somerset
Date Validated	30 January 2024
Applicant/ Organisation	Mr & Mrs Shortman
Application Type	Full Application
Proposal	Demolition of existing stables and construction of two storey dwelling and attached garage.
Division	Shepton Mallet Division (adj. Mendip Hills)
Parish	Shepton Mallet Town Council (adj. Ashwick Parish Council)
Recommendation	Refusal
Divisional Cllrs.	Cllr Bente Height Cllr Martin Lovell Cllr Edric Hobbs Cllr Tony Robbins

Referral to Chair and Vice-Chair:

In accordance with the scheme of delegation, this application is referred to the Chair and Vice-Chair of the Planning Committee as the case officer recommendation is to refuse and the Parish Council recommended that the application should be approved.

The Planning Committee Chair has asked for it to be presented at the Committee as the Parish Council has raised no objections to the application.

Description of Site, Proposal and Constraints:

This application relates to land off Windsor Hill Lane within the scattered settlement of Downside. The site currently support stables and is situated within the open countryside, within a Bat Consultation Zone, Source Protection Zone and within the Somerset Levels and Moors phosphate catchment.

This application seeks full planning permission for the demolition of the stables and for the erection of 1no. dwelling with attached garaging utilising the existing access.

Relevant History:

118141/000 – Erection of Stables approved 2005.

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

Ward Member: No response

Parish Council: Support.

Highways Development Officer: Standing advice

Somerset Wildlife Trust: No ecological objections.

Ecologist:

Natural England:

Local Representations: 1 letter of objection received raising the following summarised concerns –

- Drainage
- Unsympathetic design and appearance within the landscape and street scene
- Loss of privacy – Overlooking of neighbouring property to the south.

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 strongly 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 Local Plan Part II: Sites and Policies, Post-JR version, 16 December 2022.
- 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 – Mendip Spatial Strategy
- CP2 – Supporting the Provision of New Housing
- CP4 – Sustaining Rural Communities

- DP1 – Local Identity and Distinctiveness
- DP4 – Mendip’s Landscapes
- DP5 – Biodiversity and Ecological Networks
- DP6 – Bat Protection
- DP7 – Design and Amenity of New Development
- 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)
- Somerset County Council Highways Development Control Standing Advice (June 2017)

Assessment of relevant issues:

Principle of the Use:

The site is within the scattered small rural settlement of Downside. Downside is not a designated primary nor secondary village and does not have a settlement boundary, it is therefore classed as countryside.

As the site is located in the countryside, the proposal does not accord with the strategy for the delivery of new housing, as set out in the Local Plan. Policies CP1 and CP2 seek to direct new residential development towards the principal settlements and within defined Development Limits, which is consistent with the aims of creating sustainable development and protecting the countryside as described in the NPPF. Policy CP4, amongst other things, seeks to strictly control residential development in the open countryside save for specific exceptions (Development Policies DP12, 13, and 22), which do not apply in this case.

There are no day to day services or facilities within Downside. The site is outside of any defined Development Limit, with Downside not being either a Primary nor Secondary village (where there would be some level of services to support residential development), as defined by Core Policy 1 of the Mendip District Local Plan. Although the larger settlement of Septon Mallet is within a mile of the site, this is considered an excessive distance away that would mean future occupants of the proposed development would be unlikely to walk or cycle to access the shops and services available within the town, especially considering the lack of footpaths in the area.

The Council cannot currently demonstrate a five-year housing land supply in accordance with the requirements of the NPPF. As a result, the policies within the Local Plan, which seek to prevent new housing outside the development limits of settlements (CP1 and CP2) can not be given full weight in the decision making process. Therefore, whilst regard should be given to the policies in the Local Plan, the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the NPPF applies. However, permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole or where its specific policies indicate that development should be restricted.

All aspects of the proposed development will be assessed below, and all of the factors weighed in the balance at the end of this report.

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

The application site comprises a parcel land off Windsor Hill Lane which currently supports a small timber stable building. The stables are relatively inconspicuous within the street scene and wider rural landscape due to their single storey design and being largely screened by mature roadside hedgerow.

The development of the site comprises the erection of large two storey dwellinghouse with attached double garage of a suburban design and appearance.

The design and appearance of the dwelling together with its excessive scale, mass and bulk will be very conspicuous within the street scene and wider landscape eroding the rural character of the area contrary to the provisions of policies DP1, DP4 and DP7 of the Local Plan.

Whilst the applicant has suggested that the development might be sustainable in terms of its built form be a low carbon design with ecological benefits/enhancements, these are features expected of any new development and do not outweigh the harm as already described above in terms of the principal of development.

Impact on Residential Amenity:

Other than having a significantly harmful visual impact on the wider amenity of the area, the scheme is unlikely to raise any immediate neighbouring amenity concerns such as overlooking or overshadowing as to warrant the application's refusal.

The proposal accords with the provisions of Policy DP7 of the Local Plan.

Impact on Ecology:

Whilst no response has been received from the Ecologist, an ecological report was received with the application which confirms that there will be no foreseeable adverse impacts on a protected habitat, or a protected species and no further surveys need to be carried out before planning permission can be granted.

No mitigation or compensation measures are required. The proposed development provides an opportunity to achieve a biodiversity net gain; therefore, recommendations are given to achieve this in the report which could be conditioned.

Whilst the report suggests that biodiversity net gain can be achieved, this is a necessary requirement of all developments and not seen as a benefit which might outweigh any other harms arising from the proposal.

Regarding Phosphates, the Budget is calculated using the corrected calculator and methodology, and it totals 0.31 kgP/yr including 20% buffer.

Drainage field is proposed, which will flow downstream to an orchard and HalpinRobbins have utilised Biomass absorption figures into chosen above ground and fruit biomass figures which relate to the specific export co-efficients which are bespoke and deviate from the generalise broad-blanket figures outlined in the Somerset Budget Calculator. This strategy has been accepted numerous times and the basis of this design was brought forward originally by HalpinRobbins themselves.

The proposal accords with the provisions of Policies DP9 and DP10 of the Local Plan.

Assessment of Highway Issues:

The proposal will utilise the existing stables access which is considered sufficient and safe to serve the proposed development. The proposal also demonstrates adequate off-street parking provisions and turning all in accordance with Policies DP9 and DP10 of the Local Plan.

Refuse Collection:

Ample space within the curtilage of the dwelling for bin storage.

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 and Planning Balance:

Paragraph 11 of the NPPF sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining the application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Given the lack of a five-year housing land supply, paragraph 11 d) of the Framework is engaged.

The benefits of the proposal of 1 dwelling would make very little contribution to assisting the Council's shortage of housing land within the District as a whole. Whilst the proposal would have economic benefits for the duration of the construction phase, the proposal will bring very few ongoing economic or public benefits.

Having regard for the assessment above, the site is seen as being remote from any day to day facilities or services. The scheme would not promote the use of sustainable modes of transport and end users would be heavily reliant on a private motor vehicle. There would also be significant harm to the character and appearance of the area.

In terms of the planning balance, the harms as described carry a significant level of weight which demonstrably outweigh the very limited benefits of the proposal and the application is therefore recommendation of refusal.

Recommendation

Refusal

1. The site lies in the countryside where development is strictly controlled. The proposal does not represent sustainable development by virtue of its distance and

poor accessibility and connectivity to local services and facilities and would foster growth in the need to travel by private vehicle. The proposal would also be harmful to the rural character and appearance of the area and wider landscape, failing to preserve the character of the countryside for its own intrinsic value. The limited benefits of bringing forward housing supply and the limited economic benefits for the wider community do not in this case outweigh the harm identified. The proposal is therefore considered to be contrary to the provisions of Policies CP1, CP2, CP4, DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014), in addition, Policies within the National Planning Policy Framework to include paragraphs 11 and 12 and Chapters 9 and 12 and Planning Practice Guidance.

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The submitted application has been found to be unacceptable for the stated reasons and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.
2. This decision relates to drawings - 01C, 02B, 03A, 04, 05A, 06A, 07, 08, 09 and 10.