

Application Number	2020/1513/FUL
Case Officer	Lynsey Bradshaw
Site	Ashmount Old Frome Road East Horrington Wells Somerset
Date Validated	10 August 2020
Applicant/ Organisation	D & A Baker
Application Type	Full Application
Proposal	Erection of an Accessible and Adaptable Whole Life Dwelling
Division	Mendip Hills Division
Parish	St Cuthbert Out Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

what3words: cadet.badminton.flap

Referral to Planning Committee:

In accordance with the scheme of delegation, this application is referred to the Planning Committee following the Chair and Vice-Chair referral response. The case officer recommendation is to refuse planning permission, and the Parish Council recommended approval.

Description of Site, Proposal, and Constraints:

The application relates to land to the southwest of 'Ashmount' accessed off Old Frome Road, a classified road, and outside defined development limits.

The site is within a Bat Consultation Zone (North Somerset Mendip Bats Special Area of Conservation), a Priority Habitat (2 4), the Somerset Levels and Moors Ramsar Risk Area (Brue catchment), and a Site of Special Scientific Interest Impact Risk Zone.

The application seeks full planning permission for the erection of a dwelling described as an accessible and adaptable whole life dwelling.

Relevant History:

067163/001 - Erection of double garage. Approved with conditions 15.12.1977

067163/002 - Erection of porch on existing lounge. Approved with conditions 11.08.1982.

067163/003 - Erection of conservatory on south elevation. Approved with conditions 14.05.1997.

2010/1559 - Erection of fence around the boundary of the property. Refused on 23.08.2010, for the following reason:

The proposed 1.8m high close-boarded fence will introduce an alien and incongruous boundary treatment type to the detriment of the character and appearance of the dwelling and street scene contrary to the provisions of Policy Q1 of the Mendip District Local Plan 2002.

2010/2193 - Alterations and extensions to south west elevation including alterations to the roof, insertion of bay windows and the erection of single storey extension and landscaping. Approved with conditions 28.10.2010.

2010/2477 - Removal and replacement of existing septic tank and sewage treatment system. Development not lawful on 13.12.2010, for the following reason:

The development is not permitted by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 as there is no exception within the regulations to allow for a septic tank therefore the proposal requires planning permission.

2010/2956 - Alterations to boundary wall including stopping up existing vehicle access. Approved with conditions 07.01.2011.

2011/1069 - Proposed single storey extension, insertion of bay window and rendering of existing house. Approved with conditions 03.06.2011.

2014/1079/HSE - Proposed single storey extension, insertion of bay window, rendering of existing house. Approved with conditions 01.08.2014.

2014/1630/NMA - Reduction of roof overhang on gable end, and omission of upper bay window to be replaced by window on side elevation. Approved 03.12.2014.

2015/1361/HSE - Single storey rear and side extension. Approved with conditions 05.08.2015.

2018/1028/HSE - New driveway. Approved with conditions 03.07.2018. The conditions included:

3. The vehicular access to the development hereby approved shall not be brought into use unless the surface of the access over the first 5 metres of its length as

measured from the edge of the highway, has been properly consolidated (not loose stone or gravel). The surface of the access shall thereafter be permanently retained in that form.

Reason: To ensure that the access is properly surfaced in the interests of highway safety.

4. The new access hereby approved shall not be brought into use unless the existing access has first been stopped up in accordance with the approved plans.

Reason: In the interests of highway safety

5. The access hereby approved shall not be brought into use unless there are no obstruction to visibility greater than 900 millimetres above adjoining road level within the visibility splay shown on S5743/101C. The access to the development hereby approved shall not be brought into use unless such visibility is available, and shall thereafter be permanently maintained.

Reason: To ensure that adequate visibility is provided in the interests of highway safety

Summary of Division Member comments, Parish Council comments, representations, and consultee comments:

Ward Member: Cllr Mike Pullin

If you were in mind to turn down please could you give me a call before hand to go over details as I think I would like it to go to planning board. I did leave you a message a few days ago before the 28 days but think you are away this week.

Division Members (Mendip Hills): Consultations were pre-unitary and the establishment of new divisions. (Cllr. Edric Hobbs and Cllr. Tony Robbins)

St Cuthbert Out Parish Council: Recommend approval

Environmental Protection: No objection subject to conditions

- Construction and Environmental Management Plan (Pre-commencement).
- Restriction of noise generating construction activities.

Advice Note

- The applicant is reminded that compliance with any conditions attached to this consent or the legitimate use thereof, does not preclude the Council from taking action under legislation intended to protect quality of life including inter-alia; the Statutory Nuisance provisions of Part III of The Environmental Protection Act 1990, The Licensing Act 2003 and the provisions of the Anti-social Behaviour, Crime and Policing Act 2014

Land Drainage: Objection, further information on surface water drainage required.

Ecology:

22.09.2020: Objection, further information required.

- Preliminary Ecological Appraisal of the site.
- Phosphate information.

22.04.2022: Objection, insufficient information regarding phosphate impact.

20.02.2024: Objection, insufficient information regarding phosphate impact.

[NB: *report missed during evaluation*]

21.02.2024: No objection subject to Natural England's approval and conditions to secure mitigation and net gains.

- Evidence of sufficient phosphate credits being purchased.
- Protection of trees and hedges during development.
- Removal of trees under supervision of qualified ecologist.
- Details of external lighting.
- No vegetation removal between 1st March and 31st August.
- Protection of reptiles during vegetation removal.
- Biodiversity enhancements.
 - Two sparrow terraces.
 - Two next boxes (32mm hole version).
 - Two bird boxes (open fronted).

Additional advice:

- Legal protection afforded to badgers and their resting places

Natural England: No objection subject to conditions/S106.

- Limit to water usage (110 litres per person per day).
- Securing PTP specified.
- Maintenance plan for new PTP.
- Future replacement PTP to achieve the same effluent phosphorus concentration or better.
- Evidence of sufficient phosphate credits being purchased.

Tree and Woodlands: No response

Building Control: No response

Other Representations:

2 letters of support have been received raising the following summarised planning issues:

- Quality of construction
- Opportunities for more families in the area, and their use of local facilities.
- No impact on the character of the village
- No impact on highway safety.

Full details of all consultation responses can be found on the Council's website: [View and comment on a planning application \(somerset.gov.uk\)](https://www.somerset.gov.uk/planning)

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 (LPAs) 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

The following policies of the Local Plan Part I 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
- DP23: Managing Flood Risk

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

- DP24: Single-plot Exception Sites for Self & Custom-Build

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Somerset County Council Highways Development Control Standing Advice (June 2017)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Electric Vehicle Charging Strategy (EVCS) (adopted June 2021)
- Somerset Technical Advice Notes 01/21 Visibility Requirements on the Local Highway Network (updated June 2021)
- Supplementary Planning Document Design and Amenity of New Development; Guidance for interpretation of Local Plan Policy DP7 (March 2022)
- National Design Guide
- Technical housing standards – nationally described space standard
- Policy DP24 Supplementary Planning Document - Self and Custom-build Single-plot exception sites in Mendip (March 2022)
- National Character Area Profile: 141. Mendip Hills (NE416), published by Natural England on 20 March 2013
<http://publications.naturalengland.org.uk/publication/5370593?category=587130>
- Landscape Assessment of Mendip District (1997)
- Mendip Landscape Character Assessment (July 2020)

Assessment of relevant issues:

Procedural Matters:

Since the application was submitted Mendip District Council has ceased to exist. Somerset County Council and the district councils in Somerset (Mendip, Sedgemoor, Somerset West and Taunton, and South Somerset) were replaced on 1st April 2023 by a new unitary council, known as “Somerset Council.”

The Development Plan for the new Somerset Council area is therefore much broader ranging than the Local Planning Authority’s (LPA) Development Plan at the time of the assessment of the application. However, in terms of the application site the Mendip District Local Plan (Parts I and II) still comprise the relevant development plan.

Principle of the Development:

Core Policy 1 (CP1) of the adopted “Mendip District Local Plan - Part 1” says that to enable the most sustainable pattern of growth for Mendip District the majority of development will

be directed towards the five principal settlements (Frome, Shepton Mallet, Wells, Glastonbury and Street). This application site is outside of the Development Limits where CP1 states that any proposed development will be strictly controlled and will only be permitted where it benefits economic activity or extends the range of facilities available to the local communities.

Core Policy 2 (CP2) of the Local Plan states that the delivery of new housing will be secured from three sources (a) Infill, conversions and redevelopments within Development Limits defined on the Proposals Map, (b) Strategic Sites identified on the Key Diagrams for each town associated with Core Policies 6-10 and (c) other allocations of land for housing and, where appropriate, mixed-use development, outside of Development Limits through the Site Allocations process. The creation of a dwelling as indicated would not accord with the requirements of CP2 and the strategy for the delivery of housing.

Core Policy 4 (CP4) says that rural settlements and the wider rural area will be sustained by making planned provision for housing within the Primary and Secondary Villages in line with CP1 and CP2 and making allowance for occupational dwellings in rural locations where there is a proven and essential functional need, to support agricultural, forestry and other rural-based enterprises. Also, identifying and delivering opportunities for the provision of rural affordable housing, secured for the benefit of the community in perpetuity, where there is evidence of local need as set out in Development Policies 11 and 12.

The Local Planning Authority (LPA) is not currently able to demonstrate a five-year supply of housing land. This means that policies in the Local Plan that are related to the delivery of housing, CP1 and CP2, can be given reduced weight. As a consequence of not being able to demonstrate a five-year supply, the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the National Planning Policy Framework (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 policies taken as a whole or where its specific policies indicate that development should be restricted.

Sustainability is the 'golden thread' that runs through the NPPF:

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) **an economic objective** – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved*

productivity; and by identifying and coordinating the provision of infrastructure;

- b) **a social objective** – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- c) **an environmental objective** – *to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

As will be discussed in more detail below, the development is not considered to be 'sustainable' because it does not meet any of these objectives.

East Horrington is neither a Primary nor Secondary village and has no development boundary. The only, limited, economic benefit that would be achieved by the development would be the short-term economic activity associated with the construction phase of the proposal. The village is not served by any local shops or facilities. This remoteness from any of the general provisions required for everyday needs would require future occupants to meet those needs by travelling a significant distance by private vehicle. It should also be noted that there are no meaningful footpaths within the village (apart from a short section fronting the houses directly to the north, which doesn't go anywhere), which would make pedestrian access difficult and impractical. The development would therefore not meet either the economic or social objectives of sustainable development.

The design of the proposed dwelling is not considered to protect or enhance the built environment because it does not reflect the local character and identity of the context. The siting of the proposal within the large plot would not be an effective use of land. The site is within a Priority Habitat (2 4), categorised as deciduous woodland. The development of such a site is not considered to protect and enhance biodiversity. The development would therefore not meet the environmental objective of sustainable development.

The applicant has cited Development Policy 14 to support the creation of this dwelling. DP14 states "*proposals for care homes or similar specialist accommodation that meet an identified local need will be permitted in accordance with the Plan's overall spatial strategy*". Care homes are a defined use class and are not a private home where care can be given. The proposal is not considered to be a 'care home' or 'similar' and would not accord with the spatial strategy because it is outside defined development limits. DP14 does allow development of care homes outside development limits as an exception "*where*

there is clear justification having regard to the need for the facility and evidence of the unsuitability and/or unavailability of alternative sites within named settlements.” No such justification or evidence has been provided above the applicant’s assertions.

Many references have been made to the requirement and need for disability access to the dwelling and includes associated features, or space for their future installation, which could meet Document M of the Building Regulations “M4(2) Category 2: Accessible and adaptable dwellings”. Contrary to the submissions within the Design and Access Statement, the host dwelling is substantial, with significant ground floor accommodation, and plans from previous applications (see 2011/1069, 2014/1079/HSE and 2015/1361/HSE) demonstrate that the existing dwelling would be able to accommodate such requirements with relatively small adaptations; no significant evidence has been submitted to the contrary. The accessibility specification of the proposed dwelling is therefore not considered to justify the development of a new dwelling in the countryside.

The proposal is outside development limits in an unsustainable location and would constitute unacceptable harm to the character and appearance of the area and is therefore contrary to Local Plan policies for the delivery of housing. Paragraph 11(d) is engaged, and so the test for the development is whether it would cause significant and demonstrable harm that outweighs the benefits. The impacts of the proposal are discussed in detail below, and the harms and benefits of the proposal are weighed in the ‘Planning Balance’ section. However, in summary, the principle of the development is not considered to be in accordance with the adopted Local Plan Parts 1 or 2, or the National Planning Policy Framework.

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

Development Policy 1 (DP1) of the Local Plan states that proposals should contribute positively and respond to the local context and maintain the character and appearance of the surrounding area. The street scene, landscape/townscape, views, scenery, boundary walls or hedges, trees, rights of way and other features collectively generate the distinct sense of place and local identity. Decisions should consider the efforts made to avoid, minimise, and mitigate negative effects, and the need for the proposal to take place in that location.

Development Policy 4 (DP4) states proposals for development that would, individually or cumulatively, significantly degrade the quality of the local landscape will not be supported. Outside designated landscape areas, proposals should demonstrate that their siting and design are compatible with the pattern of natural and man-made features of the Landscape Character Areas.

Development Policy 7 (DP7) of the Local Plan relates to the design of the proposal. DP7 states proposals for new development should demonstrate, amongst other things, that they are of a scale, mass, form, and layout appropriate to the local context, and optimise the potential of the site in a manner consistent with other requirements of this policy. DP7 is supported by a Supplementary Planning Document (SPD) which provides more detail about what the policy requires. DP7 is consistent with Part 12 of the NPPF, which states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

The NPPF, paragraph 124 b), states that decisions should *“recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production.”*

The NPPF, paragraph 180 b), states that planning *“decisions should contribute to and enhance the natural and local environment by... ..recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.”*

East Horrington is predominantly a dense village focused about the junction of Old Frome Road and Veal Lane, and to a lesser extent Chilcote Lane, to the north of the site. It is noted that there are some dwellings more sporadically placed from the central cluster, but these are not part of the prevailing character. There are a variety of dwellings and materials within the village, but the commendable buildings are of traditional form, with local rubble stone walls and clay roof tiles. The host dwelling is on the southern edge of the village, in close association with its neighbours to the northeast. The proposal site is populated by many mature trees (Priority Habitat 2 4) on maintained grassland and can be characterised as open countryside. The topography slopes from the northeast down to the southwest.

The large plot of the host dwelling would be subdivided but the resulting halves would remain substantial. The siting of the proposed dwelling is distant from the host dwelling and set back from the road. The distance from other dwellings and the road frontage are at odds with the prevailing character and appearance of other dwellings in East Horrington.

The proposed dwelling is substantial and of a modern design predominantly glazed on the northwest elevation. The proposed materials include natural stone walls and timber cladding, with a dominance of powder coated raised seam aluminium cladding. Aluminium cladding is a modern material but does not reference other building materials in the context. Modern designs are preferred over poor pastiches of other eras; however, the proposed design is not considered to reference the local vernacular and does not reinforce local identity or distinctiveness. The height of the development would also be visible from

the wider area. The degree of glazing would also result in a prominent development at night, to the detriment of the character and appearance of the area.

A large detached double garage is sited away from the dwelling, increasing the spread and impact of the development, and would require transfers from vehicles to occur in the open. Many of the external doors are not at the same level as the external surfaces. Both of these elements are contrary to the ideals of disabled access and undermine that part of the justification submitted.

The proposal by reason of its design, siting, scale, massing, layout, and materials is not acceptable and does not contribute or respond to the local context or maintain the character and appearance of the surrounding area. The proposal is contrary to Development Policies 1, 4 and 7 of the adopted Local Plan Part 1 (2014), the Supplementary Planning Document Design and Amenity of New Development; Guidance for interpretation of Local Plan Policy DP7 (March 2022) and Part 12 of the National Planning Policy Framework.

Impact on Neighbouring Amenity:

The amenity to be achieved by the proposal should comply with Development Policies 7 and 8 of the Local Plan and Part 12 of the NPPF. The considerations in relation to these policies include the design, scale, massing, and siting of the proposed development, and that 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. Therefore, the amenity of existing and future occupants in these respects are considered.

In addition, an SPD has been produced in relation to Development Policy 7. Paragraph 5.1 states that "*Development should not result in ongoing nuisance to existing occupiers or occupiers of the new buildings.*" Paragraph 5.2 states that "*Proposals should ensure that the development is "fit for purpose; durable; and brings delight" in accordance with the definition of good design set out in Paragraph 4 of the National Design Guide.*" The quality of 'delight' is defined as "*a richness of experience gained from all of our senses, not only the visual.*"

The proposed dwelling would be a significant distance from 'neighbouring' dwellings. The subdivided plot is still able to provide ample private amenity space for the host dwelling. The proposal is therefore not considered to represent unacceptable harm to neighbour amenity.

Despite the proposed dwelling being on lower ground than the host dwelling, the distance between them would mean that there would be no impact on the proposed dwelling's

amenity from existing dwellings. Further to this, the proposed dwelling is positioned within a large plot, and so is considered to be able to provide adequate private amenity space for future occupiers.

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. In these respects, the proposal accords with Development Policy 7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Ecology:

The application site falls within the catchment flowing into the Somerset Levels and Moors Ramsar, designated for its rare aquatic invertebrates, a Priority Habitat (2 4), and the Bat Consultation Zone (North Somerset Mendip Bats Special Area of Conservation).

There is a major issue with nutrients entering watercourses, which adversely changes environmental conditions for these species. Any new housing, including single dwellings, will result in an increase in phosphates contained within drainage discharges. As the designated site is in 'unfavourable' condition any increase, including from single dwellings is seen as significant, either alone or in combination with other developments.

The impact of the development on a Ramsar site, by way of the potential to increase phosphate levels, is a material consideration. Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017 states that a 'competent authority' may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the Ramsar site, subject to the exceptional tests set out in Regulation 64. Therefore, the drainage details, with particular regard to phosphate generation and mitigation, are required to inform the Habitat Regulations Assessment for the current application, in order for the Local Planning Authority (LPA) to discharge their legislative duties as the 'competent authority'.

The proposed development would be connected to a Package Treatment Plant (PTP). In accordance with Natural England's guidance, and the Council's Phosphorous Budget Calculator as submitted, mitigation for 0.19kg/P/yr needs to be secured, as well as the specification of the PTP etc., for the development to be nutrient neutral.

The submission includes a "Letter of Intent" for credits equal to 0.19kg/P/yr from an approved provider (Yew Tree Farm).

Taking all the above into consideration, and subject to the mitigation being appropriately secured, sufficient information has been submitted to confirm the proposal would not result in an unacceptable increase in phosphate levels from the drainage discharge affecting the current unfavourable status of the Somerset Levels and Moors Ramsar site and as such meets the requirements of Regulation 63 of the Habitat Regulations 2017.

The site is within a Priority Habitat (2 4) deciduous woodland. The Preliminary Ecological Appraisal submitted **failed** to identify that the site is a Priority Habitat. The NPPF, paragraph 186, states that “*When determining planning applications, local planning authorities should apply the following principles:*

- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...*

The proposal would include the removal of at least 12 of the trees. It is considered that the development can be avoided and is not justified in this location. The quality of the Priority Habitat would be significantly diminished due to the development and associated loss of trees, and adequate mitigation would be hard to achieve, or the loss compensated for.

It is noted that the site has been annexed into the garden over recent years, and that some areas are more manicured than others. Part of the justification for the subdivision of the site is that the large area of land, or garden, is difficult to manage. If the site was left to rewild naturally, then this would actually be a benefit to the Priority Habitat. Trees would naturally reseed the area and conserve and enhance the Priority Habitat. Some minimal intervention to sensitively manage the habitat would be to the further benefit of the designated site, but the main objective should be to conserve the site in the first instance.

In addition, in accordance with paragraph 186d of the NPPF LPAs should seek opportunities to improve biodiversity in and around developments. These details could be secured by conditions.

Despite the provision to secure phosphate mitigation, the proposed development would have an adverse impact on biodiversity and ecology and cause harm to the Priority Habitat. Therefore, the proposal is contrary to Development Policy 5 of the adopted Local Plan Part 1 (2014) and paragraph 8 c) and Part 15 of the National Planning Policy Framework.

Assessment of Highway Issues:

The proposed access was approved for the host dwelling, under application 2018/1028/HSE, because the existing access was described as “...*having very poor visibility.*” The existing access was conditioned to be blocked up “*in the interests of*

highway safety". Under this proposal, the host dwelling would apparently revert to the previous arrangements, with the proposed dwelling utilising the access point approved under 2018/1028/HSE. The access for the existing dwelling, although considered to have very poor visibility, would maintain the status quo. It is noted that visibility could be improved here by reducing the height of the hedge adjacent to the road.

The proposal includes the provision of 4 standard parking spaces, 1 disabled parking space and 4 cycle spaces. SCC Parking Standards requires 4 parking spaces for a 4 + bedroom dwelling in this location. Although the spaces are not clearly demonstrated on the drawing submitted, the proposal site is considered capable of providing adequate parking provision as well as turning space, in accordance with Standing Advice, to allow vehicles to enter and leave the site in forward gear.

In addition, the United Nations says we could have less than 10 years to limit a climate catastrophe. Transport is responsible for 46.5% of carbon dioxide emissions in Somerset, and transport is now the largest source of emissions nationally. Electric vehicles will have a significant role to play in tackling emissions from transport, especially for longer distance trips and in more rural areas less well served by public transport. Therefore, in accordance with the council's Electric Vehicle Charging Strategy (EVCS), adopted June 2021, electric vehicle charging points should be provided for all new developments:

- All new residential developments with an allocated car parking space to have a charge point.
- All new residential developments with more than 10 unallocated off-street and/or on-street car parking spaces to have active provision for 10% of unallocated spaces (*passive provision 20%).
- At least 1 charging unit should be provided for every 5 disabled parking spaces (*passive provision 20%).

Each charging point should be at least 7kW, an untethered connection i.e., only a socket without a built-in cable, and capable of Mode 3 charging.

*passive provision refers to the installation of cable routes only.

Therefore, it is considered the proposal requires an electric vehicle charging point and the installation of an additional (passive) cable route. These details could be secured by condition.

Accordingly, the means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with Development Policies 9 and 10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

Trees & Hedges:

Development Policy 1 (DP1) states that proposals should contribute positively and respond to the local context and maintain the character and appearance of the surrounding area. This includes boundary hedges and trees, which help generate the distinct sense of place and local identity. Decisions should consider the efforts made to avoid, minimise, and mitigate negative effects on trees and hedges, and the need for the proposal to take place in that location.

Development Policy 4 (DP4) states proposals for development that would, individually or cumulatively, significantly degrade the quality of the local landscape will not be supported. This policy also considers efforts made by applicants to avoid, minimise and/or mitigate negative impacts and the need for the proposal to take place in that location.

The Arboricultural Impact Assessment identifies 12 trees to be removed. As discussed in the Ecology section above, the trees on the site are an importance characteristic of the Priority Habitat. The trees as a group also make an important contribution to the character and appearance of the area and provide screening for the development site. Their removal is considered to be unjustified and harmful, and the proposal would significantly degrade the quality of the local landscape.

The proposed development would have an adverse impact on trees that have significant ecological, visual and amenity value. In the respect of trees and hedges, the proposal is contrary to Development Policies 1, 4 and 5 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Land Drainage:

The NPPF, paragraph 173, states that when determining any planning applications, LPAs should ensure that flood risk is not increased elsewhere.

Development Policy 8 (DP8) states that *“all development proposals should minimise, and where possible reduce all emissions and other forms of pollution”*. Point 1 of DP8 states *“Development (either cumulatively or individually) will be required to demonstrate that it does not give rise to unacceptable adverse environmental impacts on [amongst other things]*

- *the quality of water resources, whether surface river or groundwater [and]*
- *public health and safety”*.

Development Policy 23 (DP23) states that *“all developments will [also] be expected to incorporate appropriate water management measures to reduce surface water run-off and ensure that it does not increase flood risks elsewhere. This should include the use of sustainable urban drainage systems (SUDS)”*.

Foul drainage is proposed to be directed to a Package Treatment Plant (PTP), which is considered the most appropriate solution in accordance with the foul drainage hierarchy where there is no mains sewer. The impacts of the phosphorous generated by the proposal were covered in the Ecology section above; however, the details of the PTP, ongoing maintenance, and the details of any future replacement PTP would have to be secured.

Surface water drainage would be controlled as necessary by Building Regulations.

Subject to the appropriate details being secured, the proposed development will not have an adverse impact on flood risk or represent a danger to water quality. The proposal accords with Development Policies 8 and 23 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Affordable Housing:

No information relating to the applicant's eligibility for affordable housing has been submitted save for their association with the village. The application form states that the proposal would be a 'self-build and custom build'; however, this is not in relation to affordable housing covered by Development Policy 24.

Development Contributions:

The applicant has stated that the proposal is compliant with Development Policy 19, but no substantive information has been provided. The proposal is an unjustified dwelling where the impacts are not acceptable and would not be mitigated by a financial contribution.

Sustainability and Renewable Energy:

The proposal includes photovoltaic panels on the roof etc. The development would also be built to modern building regulations.

The proposal accords with Development Policy 7 of the adopted Local Plan Part 1 (2014), the Supplementary Planning Document Design and Amenity of New Development; Guidance for interpretation of Local Plan Policy DP7 (March 2022), and Part 12 of the National Planning Policy Framework.

Refuse Collection:

The site is considered capable of providing adequate refuse and recycling storage for the proposed dwelling, in accordance with the Somerset Waste Core Strategy.

Environmental Impact Assessment:

This development is not considered to require an Environmental Assessment 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, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Planning Balance:

The proposed development would result in a single additional dwelling where there is a shortfall in housing land supply. The development would secure short-term economic benefits, through construction investment; however, this would be temporary and would not necessarily benefit the local area as there is no mechanism to secure the use of local contractors. As such, these benefits can only be given limited weight.

The proposal would not unacceptably harm the living conditions of nearby residents and would not be detrimental to highway safety. The dwelling would be built to modern standards of thermal performance and energy efficiency. Although disability access features have been included within the proposed design, no significant evidence has been provided to demonstrate that the existing dwelling could not be adapted accordingly. It is considered that an absence of harm in all these regards is a neutral factor.

The proposal would be a significant distance from the host dwelling, causing unnecessary urban sprawl and encroachment into the countryside. The design and materials are not considered to relate to the surrounding buildings and do not satisfactorily relate to the local context. It would result in harm to the deciduous woodland Priority Habitat, by virtue of the loss of a significant number of trees. The location of the development, distance from services and facilities, would foster the growth in the need to travel by private car. The proposal is considered to be unsustainable development in the open countryside with no adequate justification for the development to take place in this location. These harms are considered significant and demonstrable.

On balance therefore, the adverse impacts of the proposal would be significant, whilst the benefits would be minimal. As a result, the adverse impacts would significantly and

demonstrably outweigh the benefits when assessed against the NPPF as a whole and the proposal is not considered sustainable development.

Other Matters:

Much has been made in the application about the future needs of the applicant in terms of accessibility, how the applicant's own dwelling cannot be adapted. These assertions are unsubstantiated within the application. Further to this, the planning permission would run with the land and could be sold off to anyone, which would be beyond the control of the Council.

Conclusion:

It is recommended that planning permission is refused because the proposal is unjustified unsustainable development, where the harms to the character and appearance of the area and biodiversity generated by the proposal significantly and demonstrably outweigh the benefits.

Recommendation

Refusal

1. The site lies in the countryside outside any development limit where development is strictly controlled by the Spatial Strategy in the Local Plan as a matter of principle, in the interests of the character and appearance of the countryside and to ensure a sustainable pattern of development. The proposal would result in unjustified harm to a Priority Habitat (deciduous woodland) by the loss of the trees within the site. The proposal would foster the growth in the need to travel given its location and inaccessibility to services and facilities. No special circumstances have been identified that would justify why the proposed housing development is required in this manner and location. The principle of development is contrary to Core Policies 1, 2, and 4 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014), and the advice in the National Planning Policy Framework including paragraphs and Parts 2, 12 and 15 of the National Planning Policy Framework.
2. The proposal, by virtue of introducing urbanising development in the open countryside in a prominent location, would be harmful to the rural character and appearance of the area and wider landscape, failing to preserve the intrinsic beauty of the countryside. The proposed design and materials do not reflect the design and materials of the vernacular architecture, failing to reinforce local identity and distinctiveness. The proposal is therefore considered to be contrary to the

provisions of Development Policies 1, 4 and 7 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014).

Informatives

1. This decision relates to drawing S5743-100, untitled drawing "Crown Spread / Root Protection Area / Shading Arc", drawing RG20 2115 01, the "Arboricultural Impact Assessment", the "Design & Access Statement", the "BS5837 Tree Survey" submitted for the application validated on 10.08.2020, drawing J-1937 3001 rev A received on 17.03.2022, the "Nutrient Neutrality Assessment and Mitigation Strategy" and the "Appropriate Assessment" received 12.10.2023, and drawing S5743-100 resubmitted on 06.06.2024.
2. 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.