

Application Number	2024/0398/FUL
Case Officer	Lorna Elstob
Site	Land At 375165 154879 Chickwell Lane To Wells Road Hemington Frome Somerset
Date Validated	11 March 2024
Applicant/ Organisation	S Hindsbo Terry
Application Type	Full Application
Proposal	Erection of a Holiday Let Cabin and parking area
Division	Mendip Central And East Division
Parish	Hemington Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Barry Clarke Cllr Philip Ham

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**Referral to Planning Committee:**

The application is referred to the Planning Committee as the agent is employed by the Council.

**Description of Site, Proposal, and Constraints:**

The site comprises an agricultural holding of 6 hectares in size that has been in intensive arable crop farming for many years. The site has an access off the lane (known locally as Hammer Lane) between Chickwell Lane to Wells Road and to the south of Tuckers Grave Inn on the A366 Wells Road. The holding is split into three fields bound with natural hedgerows within which numerous mature trees are situated. Norton Brook stream flows through the middle of the southernmost field.

The proposal is to erect a holiday let cabin within the north western agricultural field with access from the lane. The existing field access will be retained as existing although the existing aluminium gate will be replaced with a timber 5 bar gate. A new parking area will be provided just inside the gate and then visitors will walk across the fields to the cabin. A cycle parking area will also be provided. A hardstanding path between the car park and the cabin will not be provided.

The site is located within a bat consultation zone.

**Relevant History:**

2024/0231/AGB - Application for prior notification of agricultural development for a proposed building. Prior approval not required – 27.02.2024.

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

Division Member: No comments received.

Hemington Parish Council: Recommend refusal due to position, accessibility and scale.

Environmental Protection: No objection.

Local Representations:

1 letter of objection has been received raising the following planning issue:

- Introduction of a building into a field where there haven't previously been buildings.

1 letter of support has been received raising the following planning issue:

- Creation of a new business
- Environmental Enhancements

Additionally, the following issue not relevant to planning were raised:

- Future development.

Full details of all consultation responses can be found on the Council's website [www.somerset.gov.uk](http://www.somerset.gov.uk)

**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 District Local Plan Part II: Sites and Policies (December 2021) (post JR version)

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

- CP1 – Mendip Spatial Strategy

- CP3 – Supporting Business Development and Growth
- CP4 – Sustaining Rural Communities
- DP1 – Local Identity and Distinctiveness
- DP4 – Mendips Landscapes
- DP5 – Biodiversity and Ecological Networks
- DP6 – Bat Protection
- DP7 – Design and Amenity of New Development
- DP9 – Transport Impact of New Development
- DP10 – Parking Standards
- DP23 – Managing Flood Risk

**Other possible Relevant Considerations (without limitation):**

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)
- Supplementary Planning Document Design and Amenity of New Development; Guidance for interpretation of Local Plan Policy DP7 (March 2022)

**Assessment of relevant issues:**

**Principle of the Use:**

The site forms part of an existing farm in a rural part of the district outside of any development limits, which in planning policy terms means it is in open countryside.

The spatial strategy for the district is set out within Core Policy 1 (CP1) of the Mendip District Local Plan Part 1: Strategy and Policies (adopted 2014) (LPP1). Amongst other aspects, it establishes a hierarchy for development, with the majority of development to be directed towards the five principal settlements within the district, with more limited development opportunities promoted in secondary villages and other villages and hamlets.

The policy sets out that development in the open countryside will be strictly controlled but may be exceptionally permitted in line with the criteria set out in Core Policy 4: Sustaining Rural Communities (CP4).

CP4 indicates that rural communities will be sustained, by amongst other aspects, supporting proposals for the development of the rural economy as set out in Core Policy 3. Again, this is subject to other requirements. Of relevance to this proposal at criterion 4.b. it states that development of the rural economy (as set out in CP 3) will be supported where it enables the

establishment, expansion and diversification of business in a manner and of a scale appropriate to the location and constraints upon it.

Core Policy 3 supports economic development, including in rural areas, subject to various criteria. In addition to requiring compliance with policies CP1 and CP4, this includes that development proposals should limit the growth in demand for private transport and are accessible by sustainable transport modes.

Additionally, CP3 offers general support for applications which extend the attraction of the area to visitors. However, this general support does not override the need for such development proposals to be considered against the development plan as a whole

Indeed, policy DP9: Transport Impact of New Development, requires development to maximise opportunities for sustainable forms of transport.

Whilst together policies CP1, 3 and 4 provide broad support for development of the rural economy, including proposals for farm diversification, to ensure sustainable development, the detailed criteria of these policies when considered against the development plan as a whole require that development proposals should be located where there are choices in the mode of transport available, as well as ensuring new developments are suitably located to facilities.

These policies are reflective of the National Planning Policy Framework (NPPF) objectives to guide development to sustainable locations. A recent appeal decision (APP/E3335/W/23/3331877) for a similar development in a similar location in Mendip district (Henlease Farm, Holt Lane, Witham Friary, Frome) supports this approach.

The application site is located within an unsustainable location where new buildings should not be encouraged. The application site is isolated from tourist attractions, services and facilities, with the exception of the Tuckers Grave Inn. It is not served by footpaths or pavements on the local road network, and the nearest bus service is not sufficiently accessible or reliable. Given the distance and practicality of accessing public transport it is considered that there will be a reliance on the use of the private vehicle to access the development and to access services and facilities whilst holidaying here.

Although the planning statement by its own admission recognises the site as being remote from service, tries to temper this by the accessibility to a bus service that runs along the Wells Road to the North, the nearby village of Norton St Philip and Tucker's Grave Inn at the top of the lane. Yet the bus route is not a regular service that holiday makers are realistically likely to rely on. The village is just over 3 kilometres (2miles) away and there are no footpaths enabling suitable access to either the bus stop or the village. Whilst the Tuckers Grave Inn is at the top of the lane, this would not be a sufficient facility to provide for all the requirements of holiday makers.

It is clear therefore that all services and facilities that are relied upon are located a significant distance from the site and all would need to be accessed by the private car. With the possible exception of the Tuckers Grave Inn, there are no facilities near to the site which can be identified as having a direct economic benefit as a result of the development.

There is also no evidence that there is a deficit of holiday lets in the area, or any other reason why this development needs to be in this remote location. Whilst it is recognised that a holiday let is an activity sometimes associated with a rural location, there is no justification as to why this use requires the degree of isolation offered by this development. As such the type of tourism accommodation proposed does not justify the inaccessible form of development.

The proposed development would be in an unsuitable location having regards to the spatial strategy set out in the development plan and national policy. It conflicts with Policies CP1, CP3, CP4 and DP9 of the local plan. Similarly, the proposal would not align with the approach in the Framework in respect of promoting walking, cycling and public transport where possible.

The proposal has not been demonstrated to meet any identified local business and community needs, and the diversification of the farm by the establishment of one unit of holiday accommodation would not provide sufficient economic benefit to outweigh the harms of the proposal conflicting with the spatial strategy and generating additional reliance on the private car in an isolated location.

The principle of the development is therefore unacceptable.

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

The position of the proposed development has been amended during the course of the application as the applicants have taken on board comments from the parish council and the adjacent land owner.

DP1 states that development should contribute positively to the maintenance and enhancement of local identity, and proposals should be formulated with an appreciation of the built and natural context. DP7 states that the LPA will support high quality design, and that development should be of a scale, mass, form, and layout appropriate to the local context.

DP4 states proposals for development that would, individually or cumulatively, significantly degrade the quality of the local landscape will not be supported. The determination of planning applications will consider 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 proposed holiday let cabin would be 7.2m wide and 2.7m deep with a mono pitch roof which would have a ridge height of 3.25m and would be 2.5m high at the eaves. The cabin would be of timber construction with vertical tongue and groove cladding under a steel roof in a dark grey finish. Doors and windows would be aluminium double-glazed units also in a dark grey finish. No external lighting is proposed.

Whilst the scheme has been designed to minimise the visual impact of the scheme, as the principle of development is not accepted, the proposed built cabin and associated parking would lead to unjustified encroachment into the countryside.

### **Impact on Neighbouring and Residential Amenity:**

The building is a sufficient distance from any neighbouring land uses not to raise any adverse amenity issues.

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. 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 site is located within a bat consultation zone. No lighting is proposed on the site but a condition could be included to adequately control lighting in this regard if the development was otherwise acceptable.

The proposed development will not have an adverse impact on bats or other ecology. The proposal accords with Development Policies 5 and 6 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

### **Assessment of Highway Issues:**

There are no proposed changes to the access for the site. The impact of the proposed development is not considered to have a significant impact over and above the existing situation on highway safety. A small parking area is proposed within the site and as the holiday let is a single unit it is felt that this is sufficient to meet the needs to the proposal.

Notwithstanding the concerns about the the accesibility of the site as stated in the principle section, the means of access and parking arrangements are acceptable and maintain highway safety standards.

### **Trees and Hedgerows:**

Comments have been received with regards to previous works that have taken place to a hedgerow on the site. It has been clarified that this work was undertaken as part of the hedgerow management within the larger land ownership and is not related to the proposed development.

The proposed development will not have an adverse impact on a tree which has significant visual or amenity value. The proposal accords with Development Policies 1 and 4 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)”*.

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.

### **Sustainability and Renewable Energy:**

Electricity is proposed to be provided by solar panels on the roof of the cabin, foul sewage by a biological Package Treatment Plant and water by a borehole. This would reduce the proposals sustainability footprint.

The submitted Design and Access Statement explains the proposed holiday let has been designed with sustainability and renewable energy as a key focus. This would include PV solar panels to the roof, low energy lighting and sustainable construction materials and methods.

### **Refuse Collection:**

There is sufficient space within the unit for the storage of waste and recycling. The collection of this would be arranged by the owners of the site.

### **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.

### **Conclusion:**

The principle of development is unacceptable as the site lies in the countryside outside the development limits 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. The site does not meet exception criteria set out in the Local Plan.

The limited economic benefits of the proposed development do not in this case outweigh the harms identified through the assessment of the application.

### **Recommendation**

#### Refusal

1. The site lies in the countryside outside any development limit where development is strictly controlled 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 by reason of its unsustainable location, distant from local services, facilities, and tourism attractions, with no pavements on the local highway network, limited public footpaths, and impractical access to public transport would foster the growth in travel by private car. The proposal is therefore provided in a manner and of a scale inappropriate to the locality. These harms are not considered to be outweighed by the minimal economic benefits of a single unit of holiday accommodation.



Accordingly, the principle of development is unacceptable. The proposal is therefore contrary to Core Policies 1, 3, and 4, and Development Policy 9 of the Mendip District Local Plan 2006 - 2029 Part 1 Strategy and Policies (adopted December 2014); the National Planning Policy Framework, particularly sections 2, 6, 12 and 15; and National Planning Policy 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 Framework by working in a positive, creative and pro-active way.
2. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.