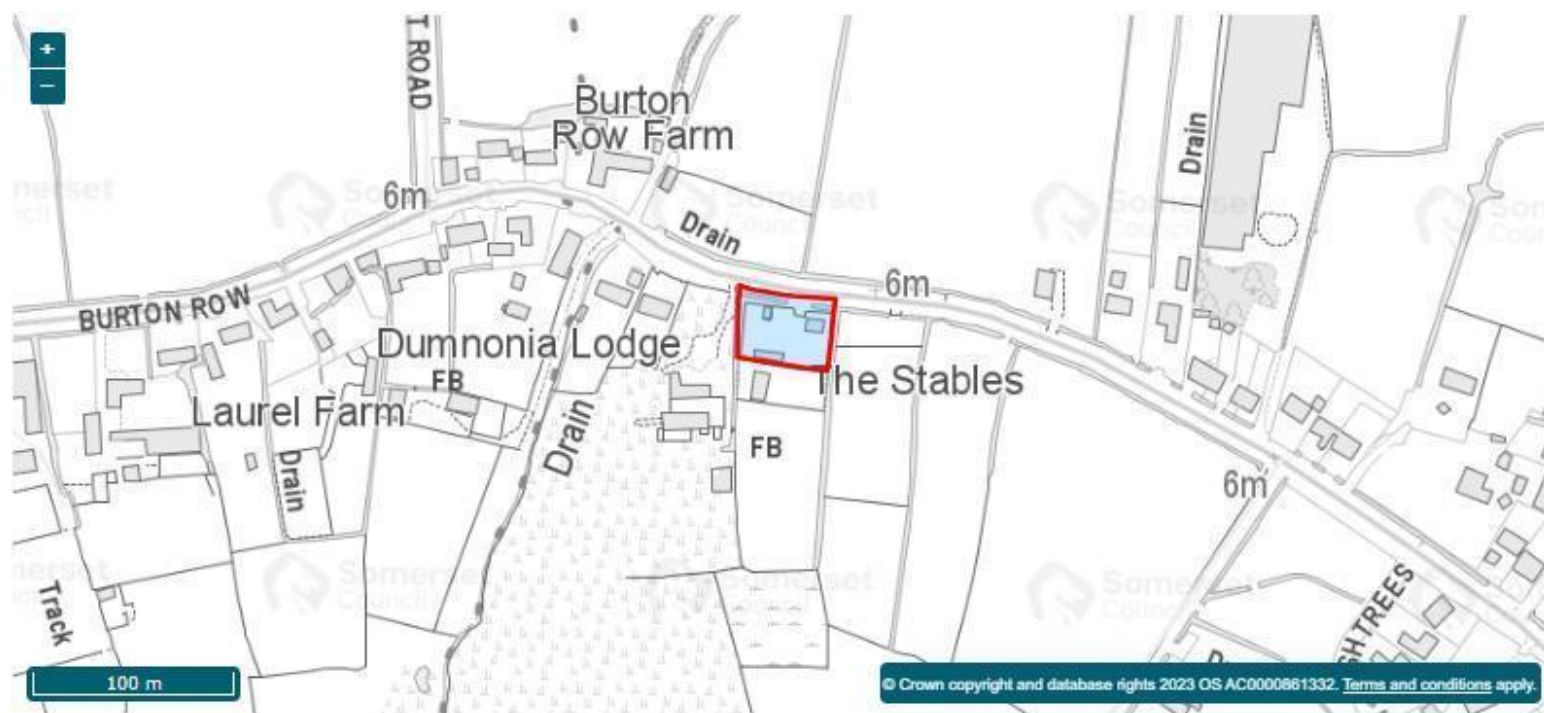


Committee date 13/08/2024

Application No: 24/23/00018
Application Type: Full Planning Permission
Case Officer: Liam Evans
Registered Date: 19/07/2023
Expiry Date: 12/09/2023
Parish: East Brent
Division: Brent
Proposal: Removal of static caravan and erection of a bungalow.
Site Location: Land to the South of, Brent Road, East Brent, Highbridge, Somerset, TA9
Applicant: Mr & Mrs Humphreys



Committee decision required because

The views of the Parish Council are contrary to the recommendation.

Recommendation

Grant Permission

Background

The site is located to the south of Brent Road to the west of East Brent. The site was granted consent on

appeal for the change of use to a caravan site subject to the condition that the caravan would only be used for the occupation of gypsies and travellers. In 2015 permission was then granted for the erection of a day room to be used in association with the caravan. The site is lined by a brick wall and steel gates with the day room positioned in the north east corner. The static caravan is located centrally with a touring caravan stored to the rear. The site is laid with hardstanding and a stable building was erected to the south.

Consent is sought for the removal of the static caravan and replacement with a single storey dwelling. The proposed dwelling would have a half hipped design with a tiled roof above stone walls with brick detailing. Internally the dwelling would contain three bedrooms and an open plans kitchen, dining and sitting area.

Relevant History

Reference	Case Officer	Decision	Proposal
24/15/00029	SJH	GTD	Erection of steel framed barn and retention of hardstanding area to increase residential curtilage (revised description) (revised plans received 26th November 2015).
24/12/00023	CJA	GTD	Erection of utility/dayroom as amended by plan received 19 Nov 2012.
24/09/00010	CJA	REF (Appeal Granted)	Retention of use of land to site a mobile home, touring caravan and erection of utility day room as amended by plans received 14 July 2009

Supporting information supplied by the applicant

Planning Statement

Flood Risk Assessment

Consultation and Representations

- Date of consultation: 25 August 2023
- Date of revised consultation (if applicable):
- Press Date (if applicable):
- Site Notice Date (if applicable):

The submitted comments are available in full on the Council's website.

Consultees the following were consulted:

Consultee Name	Summary of Response
Somerset Council - Ecologist	No objection, recommend conditions.
Axe Brue Drainage Board	Dwelling within 6m of watercourse, recommend condition.

East Brent Parish Council	<p>Objection.</p> <p>As the plot is in Flood Zone 3 - it needs to be raised by 450cm - as a previous application was granted permission for</p> <p>As the static caravan uses a septic tank - the proposed new bungalow dwelling has to be connected to a treatment plant and not discharged into a water course.</p>
Somerset Council - Civil Contingencies	Recommend flood warning and evacuation plan.
Environmental Health	Recommend note relating to septic tank.
Somerset Highways	Standing advice.
Environment Agency (drainage/water)	<p>Objection.</p> <p>"We maintain our flood risk objection to this application as it is not supported by a Flood Risk Assessment (FRA) which adequately considers flood risk. We are, therefore, unable to determine if the development is in accordance with the National Planning Policy Framework (NPPF)."</p>

Local representations:

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

No representations have been received

Most Relevant Policies

National Planning Policies

National Planning Policy Framework

Local Plan (2011-2032)

S2 Spatial Strategy for Sedgemoor

CO1 Countryside

D1 Flood Risk and Surface Water Management

D2 Promoting High Quality and Inclusive Design

D8 Gypsies, Travellers and Travelling Show People

D11 Replacement Dwellings in the Countryside

D25 Protecting Residential Amenity

Community Infrastructure Levy (CIL)

The application is for residential development in East Brent where the Community Infrastructure Levy (CIL) is Non-urban Residential £120sqm of additional gross internal floor area created. Based on current rates, the CIL receipt for this development would be in the region of £14,174.28. This amount does not take into account any existing floor space on site that may be converted or demolished, or any CIL exemption or relief that may be eligible.

Main Issues

Principle

The site is situated outside of the development boundaries of Brent Knoll and East Brent and therefore would be considered as being in a countryside location. In principle, the erection of new dwellings would be appropriately controlled and would only be granted where there is exceptional justification.

In this particular case the proposal would seek to replace an existing static home with a 3 bedroom dwelling. Policy D11 (Replacement Dwellings in the Countryside) of the Local Plan allows for the erection of replacement dwellings in the countryside subject to a number of criteria including that it would replace a similar structure namely "an existing permanent habitable dwelling that has been occupied in recent years."

From the planning history the use as a caravan site was granted on appeal in 2010 and was subject to the condition that the site shall not be occupied by any persons other than gypsies and travellers, as defined in paragraph 15 of ODPM Circular 01/2006. In 2012 a day room was permitted to be used in association with the permitted use of the site and therefore it is considered that the site and the buildings therein are only permitted to be used for the purposes of gypsy/traveller accommodation.

Policy D8 (Gypsies, Travellers and Travelling Show People) of the Local Plan states that the Council has a commitment to support the travelling communities as well as settled communities. The Council had carried an update of the Gypsy and Traveller Accommodation Assessment (GTAA) at the time of the Local Plan's adoption and there is still a requirement for additional pitches within the district area.

The policy therefore states that the loss of existing authorised Gypsy, Traveller and Travelling Show People sites will be resisted unless it can be demonstrated that there is appropriate alternative provision available locally, that there is no longer a demand for the use and/or it is not viable and the facility is no longer fit for its intended purpose.

The proposal has been submitted with reasoning that the applicants have a preference for a more settled lifestyle due to personal circumstances and that, in their opinion a permanent dwelling would be more sustainable, avoiding the need to regularly replace the static caravan.

Under the Equalities Act 2010 and the Public Sector Equality Duty (PSED) planning decisions should avoid discrimination, harassment and victimisation, should advance equality and foster good relations in respect of the protected characteristics under PSED including for Gypsy and Traveller groups. Duties under Article 8 of the Human Rights Act 1998 bestow the right to a private and family life and for the home. In this case it is considered that the application of such duties would outweigh the lack of strict compliance with the replacement dwelling policy given the protected characteristic of Gypsy and Traveller groups.

The supporting statement accompanying the application states that the applicants would be willing to accept a condition restricting the use to a gypsy or traveller. It is stated within this statement that Policy D8 refers to the personal circumstances of the applicant and these would be considered. In this case, if permission were granted, it would not result in the loss of an existing pitch as the dwelling would continue to be occupied by a gypsy/traveller and would be available as such in the future. The preference of the applicants to occupy a permanent dwelling as opposed to mobile home is noted. In this case while it could be considered that the replacement of a static home with a permanent dwelling is a departure from countryside policy it is considered an acceptable approach given the requirement of the Public Sector Equality Duty and the Equalities Act.

The site currently has permission for use as a gypsy and traveller pitch and was granted on this basis. The Inspector stated in this decision:

"Currently there is no alternative permanent site for the family. Land allocation through the development plan process will not deliver sites by 2011. I consider that until the outcome of the new GTAA is known the timescale for site allocation remains uncertain and the local authority is reliant on private pitches coming forward to meet need. This site fulfils objectives of Circular 01/2006 in that it is in an appropriate location and it will avoid the appellants becoming homeless through eviction. Equally, it could provide a permanent base for another gypsy/traveller family in need."

In granting consent it was acknowledged that such a decision would address the circumstances of the appellants while also potentially catering for the future needs of other members of the gypsy/traveller community. The decision made was for the use of a gypsy and traveller through the conditions included and as such the site currently provides accommodation for the community. The continued imposition of that condition through the scheme now submitted would ensure that there would not result in a loss and therefore would be compatible with the objective of meeting the need of providing gypsy and traveller sites within the Local Plan area albeit through the replacement of an existing static home with a permanent dwelling.

Design and Visual Impact

The existing static home is of a substantial size and the proposed dwelling would be similar in terms of its

impact on the street scene taking into account the height, materials and set back position. The proposed dwelling would not be anymore prominent than the existing static home and would be in keeping with the ribbon pattern of development along Brent Road.

The use of stone and concrete tiles would be acceptable and it is considered that the proposed dwelling would reflect the sporadically populated rural character.

The proposal complies with Policy D2 of the Local Plan.

Highways

The proposed dwelling would utilise the existing access and as there would be no significant increase in the number of vehicle movements associated with the site the impact on the highway would be minimal. The access has suitable visibility in both directions along Brent Road the site has more than enough space for vehicles to turn and leave in a forward gear. The site also has ample room for off road parking ensuring there would be no requirement to park within the highway limits.

Flood Risk

The application to replace the existing mobile home with a dwelling has received an objection from the Environment Agency. They consider that in the absence of appropriate mitigation measures, no safe refuge residing above flood level and the absence of a safe access/egress, the property fails the second part of the Exception Test. They also consider that the development fails to ensure the safety of occupants and how the property, against flood risk, is mitigated.

However, it should be noted that there resides an existing static home on site that is used for residential purposes. The NPPF advises that such form of accommodation is 'highly vulnerable' while a building used for a dwellinghouse is classified as 'more vulnerable'. As such the vulnerability of the accommodation reduces when going from static home to dwelling as is proposed. There would be no increase in the number of residential properties on site.

It should be noted that the existing static home is single storey and has no safe refuge much like the proposed dwelling. Therefore, there would not be a worsening of the existing situation on site in terms of vulnerability and to refuse the proposal on flood risk grounds would be unreasonable in this particular case. The proposed building would incorporate a 300mm finished floor level above the adjacent ground levels.

In terms of surface water the Internal Drainage Board recommend that a surface water drainage details be provided by condition. Amendments have been sought to provide a 6m maintenance margin to ensure access to the adjacent watercourse is retained as existing and these have been provided by moving the dwelling further to the east.

The replacement of an existing single storey static home with a permanently constructed dwelling would allow for greater flood resilience in the construction methods of the building and as such it is considered that, notwithstanding the concerns raised by the EA, the proposal complies with Policy D1 of the Local Plan.

Residential Amenity

The proposed dwelling would be sited broadly on the footprint of the existing static home and therefore would be a substantial distance from the nearest neighbouring property, which is positioned approximately 40m to the west of the site. As such the single storey dwelling would have no greater impact on the amenities of that property.

With regards to the Parish Council's comments (and the note recommended by Environmental Health) the applicant has confirmed that a treatment plant would be used and that this would be designed so as discharge to the ground rather than discharge into a watercourse.

It is considered that the proposal complies with Policy D25 of the Local Plan.

RECOMMENDATION

GRANT PERMISSION

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule A.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The dwelling hereby approved shall not be occupied by any persons other than gypsies and travellers, as defined in Annex 1 to Planning policy for traveller sites (August 2015) or any such definition arising from amendments to that document.

Reason: In accordance with national policy on the provision of sites for gypsies and travellers and to maintain the available of the existing site for persons within the gypsy and traveller community.

- 4 Before the dwelling hereby permitted is occupied 2x bird boxes shall be positioned on the north or east elevations of the dwelling at a height of at least 3m. Once installed the bird boxes shall be retained thereafter.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework

- 5 Before the dwelling hereby permitted is constructed above dpc level surface water drainage details for the site including a plan showing the locations of proposed SuDs features/outfalls and existing and proposed discharge rates for the 1 in 1 year, 1 in 30 year and the 1 in 100 year rainfall event including allowances for climate change shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

Reason: In the interests of controlling surface drainage from the site in an appropriate manner.

Schedule A

Existing Location Plan Drg No. J22080/04

Existing Block Plan Drg No. J22080/05

Existing Topographical Survey Drg No. J22080/01

Proposed Site Plan Drg No. J22080/02C

Proposed Floor & Elevations Plan Drg No. J22080/03A

DECISION
