

Application Details	
Application Reference Number:	<u>42/23/0042</u>
Application Type:	<u>Full Planning Permission</u>
Earliest decision date:	11 September 2024
Expiry Date	<u>04 December 2023</u>
Extension of time	31 May 2024
Decision Level	Chair/Vice Chair Referral
Description:	Change of use of land for the siting of 10 No. tents for holiday occupancy along with moveable WC/Shower facilities, formation of reinforced grass parking area and landscaping on land at Sweethay, Trull
Site Address:	<u>LAND AT SWEETHAY, TRULL E: 320363</u> <u>N: 121480</u>
Parish:	42
Conservation Area:	
Somerset Levels and Moors RAMSAR Catchment Area:	
National Landscape (AONB):	Quantock Hills/ Blackdown Hills amend as appropriate
Case Officer:	<u>Paul Sherman</u>
Agent:	
Applicant:	COSY BARN HOLIDAYS LTD
Committee Date:	
Reason for reporting application to Committee	NA

1. Recommendation

1.1 Conditional Approval

2. Executive Summary of key reasons for recommendation

- 2.1 While located in the open countryside, the site has acceptable connections to the main highway network and its in a location that is considered acceptable for camping. The site is in an acceptable location in regard to local services and facilities and the creation of a camping use in this location would not result in undue reliance on the private car nor result in unacceptable increases in traffic on local roads
- 2.2 Subject to conditions to limit the period that the site is in use and to secure an appropriate landscaping scheme, the development would not give rise to an unacceptable impact on the landscape character of the area.
- 2.3 For these reasons, and those set out in this report it is considered that the development complies with the policies of the Development Plan and that

planning permission should be granted subject to conditions.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

3.1.1 Time limit

3.1.2 Approved plans

3.1.3 Details of temporary buildings

3.1.4 Seasonal use

3.1.5 Number of tents / occupants

3.1.6 Access details

3.1.7 Consolidated surface for access

3.1.8 Surface water drainage

3.1.9 Parking and turning area

3.1.10 Control over gates / fences

3.1.11 Protection of trees and hedges

3.1.12 Protection of nesting birds

3.1.13 Ecological measures

3.1.14 Protection of dormouse

3.1.15 Ecological enhancements

3.1.16 Detailed landscaping scheme

3.2 Informatives (bullet point only)

3.2.1 Proactive Statement

3.3 Obligations

3.3.1 Phosphate mitigation and long-term maintenance

4. Proposed development, site and surroundings

4.1 Details of proposal

4.1.1 The Application seeks planning permission for the change of use of land from agriculture to camping with up to 10 camping pitches for holiday occupancy; this would include provision of bell tents as well as temporary

WC and shower facilities. The application also includes operational development including the alterations to the access, the creation of a reinforced grass parking area and the installation of a below ground Package Treatment Plant.

- 4.1.2 The proposed camping site is proposed to operate between March and September each year with the tents and amenity block removed from the site outside of this time.
- 4.1.3 The current proposal is similar in many respects to application 42/21/0059 (see section 5) with the primary changes being the removal of the previously proposed permanent WC and shower block in favour of temporary facilities and the removal from the proposal of timber platforms to support the tents that were previously proposed.

4.2 Sites and surroundings

- 4.2.1 The application site is location to west of Dipford Lane and comprises a parcel of approximately 0.9ha of agricultural land which is currently undeveloped. Other than the boundary with Dipford Road the site adjoins only other agricultural land with the site boundaries generally marked by mature native species hedgerow. The site is generally level however there is a gradual slope down towards the east. Access to the site is from Dipford Lane and there are public footpaths running adjacent to the site.

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

Reference	Description	Decision	Date
42/21/0059	Change of use of land from agricultural for the siting of 10 No. bell tents and the erection of a service building with car parking and landscaping on land at Sweethay, Trull	Not determined Appeal Dismissed	n/a 10/08/2023

- 5.1 While application 42/21/0059 was not determined formally determined by the Council in responding to the appeal the Council confirmed that, had it been in a position to determine the application, it would have refused the application for the following reasons:

1. The proposed development results in tourism accommodation in an unsustainable and inaccessible location in the open countryside contrary to Policies DM2, SD1, CP1, SD1 and CP6 of the Taunton Deane Core Strategy 2011-2028 and Policies SB1 and A5 of the Site Allocations and Development Management Plan 2016.
2. The proposed development, by reason of its scale, siting and design, would cause an unacceptable harm to the character of the rural landscape, eroding the rural nature of the area and converging the

hamlets of Dipford and Sweethay, contrary to Policies CP8 and DM1(d) of the Taunton Deane Core Strategy 2011-2028 and Paragraph 130 of the National Planning Policy Framework.

5.2 An appeal against non-determination (Pins Ref: APP/W3330/W/22/3307369) was dismissed on 10th August 2023. The Inspector agreed with the Council that the development would be harmful to the character of the rural landscape but did not raise issue with the location of the development or its accessibility in transport sustainability terms. In deciding against the Council on this point paragraphs 17 to 20 of the Appeal Decision state:

17. *The site would benefit from direct vehicular access onto a road that has good links to the main road network via Dipford and Sweethay/Staplehay/Trull. Although the site is within the countryside, it is a relatively short distance from the services, facilities, and bus route, albeit with limited services, at Staplehay/Trull. The site would be accessible via the local public footpaths during months of operation when the weather is generally dryer and lighter, despite the possibility for them being overgrown at times. Although limited due to the scale of the proposal, there would be some benefits to the local community and businesses through potential increased spend from visitors and servicing of the site including cleaner, laundry and tradespeople, and additional trade for services and facilities within Trull.*
18. *With regard to the above, I note the Council's desire to locate tourist accommodation in and around sustainable settlements. However, in light of the short distance to Staplehay/Trull and close relationship to Taunton, attractive nature of the lanes for walkers and cyclists looking for a rural camping location, I find that the site is located close enough to sustainable settlements to adequately reduce the reliance on the car.*
19. *In reaching the above findings I have taken into account that Policy A5 of the DMP sets out criteria for accessibility of development including maximum accessible travel times and maximum acceptable walking distances for residential development and all major non-residential development. However, the development proposal does not fall within either of those specific categories referred to in Policy A5 and it is reasonable that the proposed tourism use would not require access to some of the services referred to such as employment and education. As such, Policy A5 is not determinative on this appeal.*
20. *Notwithstanding the above, CS Policy DM1 requires development to be in a sustainable location and that additional road traffic arising would not overload access roads or lead to road safety problems. To my mind the presence of a shop, garage, café and bus stop within a mile of the proposed development site would provide a suitable range of services and facilities to meet some of the essential day to day needs of visitors to the site. This situation would also potentially be further enhanced if the allocated mixed-use site at Comeytrowe/Trull is developed in the future. Having regard to all of those matters, I consider the site to be a suitable location for the use proposed when taking into account that a tourism use for holiday makers as supported by CS Policy DM2 will*

inevitably and reasonably result in some private car use to visit more distant places of interest, notwithstanding a suitable range of alternatives such as bus services, walking and cycling to nearby settlements.

5.3 A full copy of the Appeal Decision is attached at Appendix 1. This Appeal Decision is a material consideration in assessing the current application.

6. Environmental Impact Assessment

6.1 The proposal is not EIA Development.

7. Habitats Regulations Assessment

7.1 The site is located within the catchment area of the River Tone. The site is also located within the catchment area of the Somerset Levels and Moors Ramsar Site, Special Area of Conservation (SAC) and Special Protection Area (SPA), including the Somerset Levels and Moors Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR).

7.2 The Council has undertaken a Habitat Regulations Assessment which has concluded that the project will not adversely affect the integrity of the Somerset Levels and Moors Ramsar Site, either alone or in-combination with other plans or projects, subject to the mitigation identified being secured in perpetuity.

7.3 This will be discussed further in section 10.1.3 of this report.

8. Consultation and Representations

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

Date of consultation: 13 October 2023

Site Notice Date: 18 October 2023

8.2 **Consultees** the following were consulted:

Consultee	Comment	Officer Comment
TRULL PARISH COUNCIL	<p>The Parish Council would like to object again to this proposal which does not differ significantly from the previous proposal which was refused planning permission locally and then lost on appeal and also failed to be accepted onto the Caravan and Motorhome Club scheme.</p> <p>The Inspector found that the 'proposed building, the car park and the tents would have an unacceptable impact upon the</p>	

	<p>character and the appearance of the area.' Whilst the applicant has focussed on altering the plans for the building and the car park, the 10 large bell tents remain in the application and in themselves would have an unacceptable impact on the appearance of the area. The hardstanding required for the temporary toilet blocks and necessary drainage requirements would continue to affect the appearance of the area even in the winter when the site would be closed.</p> <p>The proposal would cause the permanent loss of useful agricultural land.</p> <p>Despite the applicants assertions about the low risk of flooding, the field itself is regularly waterlogged and the access roads can become impassable due to flooding.</p> <p>The site is situated on a narrow, fast country lane with no pavements. An increase in traffic would be detrimental to the safety of local residents.</p> <p>There is the risk of loss of protected wildlife species.</p> <p>There are no details of the sewage/drainage proposals and the application risks leaks into the Galmington Stream.</p> <p>There is no onsite management which means there would be no chance to effectively limit the number of residents on the site, nor control noise/dogs etc.</p> <p>There are no plans for rubbish collection.</p> <p>There is no electricity on site currently.</p> <p>There are no amenities planned for cooking or washing up.</p>	
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	<p>There is no mention of fire precautions on site.</p> <p>The access to the site will become more difficult when Dipford Road is blocked off as part of the Comeytrowe Extension and the roundabout is built in Trull Village.</p> <p>The necessity for a visibility splay does not seem to be compatible with maintaining the hedgerow to the left of the entrance.</p> <p>The site would be against Core Strategy DM1 (General Requirements) which states that: "The appearance and character of any affected landscape, settlement, building or street scene would not be unacceptably harmed by the development".</p> <p>It is also against DM2 (Development in the Countryside) which only permits development outside of the settlement limits if it satisfies the following: 'b. touring caravan and camping sites with good access to the main road network and the site is not located within a floodplain or an area at high risk of flooding.' As mentioned previously the site does not have good access to the main road network and is waterlogged as shown in photos by local residents.</p>	
<p>PITNIMSTER PARISH COUNCIL</p>	<p>Main reasons for objections are:</p> <ul style="list-style-type: none"> • The significant harmful effect that this new proposed new development will have on the rural landscape character and the appearance of the area, contrary to TDCS Policies CP1, CP8 and DP1. • That the application is an unsustainable development in an inaccessible rural location 	

in the open countryside outside the local settlement limits, contrary to TDCS Policy DM2

Important to highlight:

- It is a development in open countryside, in an isolated location, for a permanent change of use. If this application is permitted, then it paves the way for future applications for further development on the site, as well as setting a precedent for development in other areas.
- The VERY large white bell tents are a minimum of 3.3m or 11' tall with 18sq. m or 194 sq. ft of usable standing space inside. They will be very visible, unusual/out of character, detrimental built forms, in a field with no existing buildings and the local rural landscape.
- To create required visibility splays at the access would require the removal of a large section – 90m - of the mature & hedgerow along Dipford Road. Removing the hedgerow would have net negative environmental impact. This hedge is the same hedge the applicant claims will screen the site from Dipford Road and it could only be instantly replaced by a close boarded fence of approximate 10' in height, if the site is to be screened, which would damage the visual amenity of the area. In its own right, the hedgerow is 'important' historic fabric, and its removal would be

	a loss to the historic landscape as well as being contrary to the Environment Act 1995.	
SCC – LANDSCAPE AND GREEN INFRASTRUCTURE OFFICER	No objection. Given the amendments to the current proposal from the scheme that was refused on appeal it is considered that the proposal would result in only a minor adverse impact to the landscape and character of the area and is not considered to be in conflict with local plan policy. The landscape impact of the scheme is also likely to be less than the potential impact of a scheme under 'permitted development'.	
SCC – ECOLOGY	No Objection. Having considered the ecological information submitted there suitable planning conditions should be included in any permission granted.	
SCC – TRANSPORT DEVELOPMENT GROUP	No objection. The proposed access would provide good intervisibility between emerging vehicles and approaching traffic on the highway. While the proposal would result in an increase in vehicle movements in the local area this would not be acceptable when look at against the NPPF tests. The internal layout of the site is also acceptable.	
SCC – CONSERVATION OFFICER	No objection. The application site is not located in a Conservation Area, is not within the setting of any listed buildings and would not materially impact the setting of the non-designated heritage assets of Sweethay Court.	
SCC – NUTRIENT NEUTRALITY OFFICER	No objection. It is concluded that the project will not adversely affect the integrity of the Somerset Levels and Moors Ramsar Site, either alone or in-combination with other plans or projects, subject to the mitigation identified in section 3.6.1.2 being	

	secured in perpetuity.	
SCC – RIGHTS OF WAY	No objection. Public footpath T 29/23 runs through the site and Public Footpath T 21/33 abuts the site however the applicant has submitted a plan which shows the proposals will not impact on the public rights of way.	
ENVIRONMENT AGENCY	No objection. The flood risk to the development from the Galmington Stream is considered to be low. The Package Treatment Plan to serve the development will not require a Discharge Permit provided that the occupancy of the site does not exceed 27 people.	
LEAD LOCAL FLOOD AUTHORITY	As the development is not a major development the LLFA is not a statutory consultee, however an SuDS scheme for the site should be designed in accordance with the Local SuDS design standard.	
WESSEX WATER	No objection but note there are no water or wastewater assets at or in the site.	
CPRE SOMERSET	Objection. The amendments do not overcome the previous concerns and the applicant has mis-understood the objections raised by the inspector concerning the car-park, and the tents. The proposal is potentially harmful to the setting of four listed buildings and would result in the removal of an 'important hedgerow'. The proposal would be contrary to the neighbourhood plan and would be contrary to the Small-Scale Threshold Guidelines for phosphates.	

8.3 Cllr Dawn Johnson also objects to the application and states that the proposal is contrary to local and national planning policies, would have a significant harmful impact on the rural landscape character and the appearance of the area, is located in an inaccessible and unsustainable location with access provided along an unpaved road which regularly floods and would result in the permanent loss of agricultural land.

8.4 Cllr Johnson also notes the number of objections to the scheme and the local concern in respect of the highway report and has requested that the application be referred to the Planning Committee.

8.5 **Local representations**

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

8.7 87 number of letters have been received making the following comments (summarised):

Material Planning Considerations	
<u>Objections</u>	<u>Officer comment – see section 10</u>
Previous appeal for proposal dismissed on appeal	
No significant changes from previous scheme	
Harmful to character of the area / landscape	
Is currently undeveloped / attractive site	
Not suitable development for the countryside	
Potential future expansion / intensification	
Unsuitable location not close to services	
Increased traffic on local roads	
Impact on highway safety	
Not safe access for pedestrians / cyclists	
No public transport connections	
Unsuitable access for serving / deliveries	
Impact on ecology / biodiversity	
Loss of habitat / important hedgerow	
Risk of flooding to site	
Increase risk of flooding to local area / properties	
Lack for foul water connection	
Impact on protected sites / phosphates	
Light pollution	
Increase noise and disturbance	
No current infrastructure / services on site	
Lack of need for tourist accommodation	
No local economic benefits	
Impact on Listed Buildings	
Council has failed to adequately undertake the HRA process	
<u>Support</u>	<u>Officer comment – see section 10</u>
Economic benefits	

9. **Relevant planning policies and Guidance**

9.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and

Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations strongly indicate otherwise.

9.2 As a result of local government reorganisation, Somerset Council was established on the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a new local plan within 5 years of the 1 April 2023. Until such time that a new Local Plan for Somerset is adopted the Development Plan remains as prior to the reorganisation.

9.3 The site lies in the former Taunton Deane area. The development plan, such as is relevant to the application, comprises the Taunton Deane Core Strategy 2012, the Taunton Deane Site Allocations and Development Management Plan 2016, and the Trull and Staplehay Neighbourhood Plan 2017.

9.4 Relevant policies of the development plan in the assessment of this application are listed below:

9.5 Taunton Deane Core Strategy (CS)

Policy SD1: Presumption in favour of sustainable development

Policy CP1: Climate Change

Policy CP6 : Transport and Accessibility)

Policy CP8: Environment

Policy SP1: Sustainable Development Locations

Policy SP4: Realising the vision for the Rural Areas

Policy DM1: General Requirements

Policy DM2: Development in the Countryside

Policy DM4: Design

Policy DM5: Use of resources and sustainable design

9.6 Site Allocations and Development Management Plan (SADMP)

Policy A5: Accessibility of development

Policy D7: Design quality

Policy SB1: Settlement Boundaries

9.7 Trull and Staplehay Neighbourhood Plan (date) (the NP)

Policy E2: Woodland, Trees and Hedgerows

Policy F1: Reducing flood risk

9.8 Supplementary Planning Documents

District Wide Design Guide, December 2021

9.9 Other relevant documents

Sustainable Urban Drainage Systems (Somerset)

Climate Positive Planning

9.10 National Planning Policy Framework

Section 2: Achieving sustainable development

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

9.11 Other relevant legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990, as amended
The Hedgerows Regulations 1997
The Management of Hedgerows (England) Regulations 2024

10. **Material Planning Considerations**

10.1 The application proposes the change of use of the land for camping, for up to 10 bell tents and the provision of temporary utility / amenity facilities, and operational development including the creation of a car parking area and alterations to the access. This proposal follows a previous application for the use of the site for camping. While the Council did not determine this application, it was confirmed during the subsequent appeal that it would have refused to grant planning permission had it been in a position to do so, and the appeal was subsequently dismissed. Given the recent appeal decision on the site, and the previous areas of concern identified by the Council, the main issues to be considered in this report are the location of the site in sustainability terms and the impact on the landscape character of the area.

10.2 The accessibility and transport sustainability of the site

10.2.1 The application site is located in the open countryside and is relatively remote from existing settlements. Policies SP1, CP1, SD1 and CP6 of the CS and policies SB1 and A5 of the SADMP seek to direct development to existing sustainable and accessible locations, where new development can be supported by existing services, and make use of alternatives to the private car as a means of accessing new development. Policy DM2 of the CS advises that tourism related developments in the open countryside can be acceptable however it advises that camping sites should have good access to the main road network.

10.2.2 In being minded to refuse the previous planning application, the Council concluded that proposed development would result in the creation of tourism accommodation in an unsustainable and inaccessible location in the open countryside contrary which would be contrary to the requirements of the development plan. At appeal, however, the Inspector did not support the Council position on this issue and concluded that the site would be a suitable location for the type of tourist accommodation proposed. In particular, the Appeal Decision notes that the site would have direct access on to a road that does have good access to the main road network via Dipford and Sweethay/Staplehay/Trull. The Inspector also noted that the attractive nature of the lanes around the site would be appealing for those seeking a rural camping location. The Inspector ultimately concluded that the location of the site was acceptable and concluded that the proposal would comply with policies DM2, SD1, CP1 and CP6 of the CS.

10.2.3 Concern has been raised by local residents that the Inspector erred in their decision in that they stated there is a *"shop, garage, café and bus stop within a mile of the proposed development site"* (Appeal Decision, para 20) and that the actual distance to these facilities is greater. While the actual travel distances are more than a mile, the precise travel distances do not appear to be determinative to the Inspector in reaching their conclusion. When read as a whole, the Inspector decision is clear that the Inspector determined this was a suitable location for the type of accommodation proposed that the development was compliant with policy in this regard, and the Inspector made this decision having visited the site. Neither

the Council nor interested parties sought to formally challenge the decision of the inspector and to seek to revisit this point without evidence that the Inspectors Decision was fundamentally flawed or a material change in circumstances could be considered to be unreasonable in the event of a further appeal.

10.2.4 Having regard to all of the above, and in light of the Inspector's Decision, it is concluded that the proposed development would be located in a location that does have an acceptable access to the main road network and would not result in a development which was overly reliant on the private car. The proposal is therefore considered to comply with the requirements of Policies DM2, SD1, CP1, SD1 and CP6 of the Taunton Deane Core Strategy and the Policies SB1 and A5 of the Site Allocations and Development Management Plan.

10.3 The impact on the landscape character of the area

10.3.1 The application site currently comprises an agricultural field on the west side of Dipford Lane. The site is bounded to the west, and north established hedgerows with the southern boundary marked by a post and rail fence and the eastern boundary currently undefined. The application proposes the use of the field as a campsite with 10 camping pitches for bell tents, along with a reinforced grass car park and access track and temporary WC and amenity block. The site plan proposes shows the tents to be set among new orchard planting as well as the creation of new hedgerows on the south and east boundaries.

10.3.2 The site is not within an identified National Landscape (or AONB). It falls within the Vale of Taunton and Quantock Fringes' National Character Area and within the locally defined Vale of Taunton landscape character. The area around the application site is characterised by generally level agricultural fields with hedgerows and trees on the field boundaries and the application site currently reflects and contributes to the character.

10.3.3 The development proposed is for the use of the site for season camping which would include the siting of up to 10 bell tents as well as a temporary toilet and amenity block. The development would also include the improvement of the existing access and the creation of a reinforced grass surface for the parking of cars on the site. Given the site is currently undeveloped and does not include any structures the introduction of the bell tents, the amenity block and the associated works would result in some harm to the visual amenity value of the site however this impact is considered to be modest and it is noted that this impact would be limited to only times when the site is in use. It is also noted that any impacts would be further mitigated by the implementation of the landscaping scheme.

10.3.4 The Council's Landscape Officer has considered the proposal and has advised that, given the low level of harm arising from the development, that the proposed development would not conflict with the objectives of the relevant policies of the development plan. It is further noted that permitted development rights for the use of the site for camping would allow the site to be used for camping for 60 days without the need for express planning permission. While the allowed permitted development period is shorter than the current proposals, any scheme under permitted development could include a far greater number of pitches / tents and a greater number of temporary buildings to support the use of the site for camping. A scheme under permitted development would also not have the benefit of control by planning conditions which could be used on a consent scheme to mitigate the visual impacts, and other potential impacts, of the scheme. Accordingly, the potential 'fall back' position is a material consideration which should be assessed in determining this planning application.

- 10.3.5 Concern has been raised that the proposal would require the removal, and thinning, of part of the existing hedgerow and that this hedgerow should be considered to be an 'important hedgerow' for the purposes of the Hedgerow Regulations. The provisions of the Hedgerow Regulations is to ensure that 'important hedgerows' are not removed without permission, however, the grant of a planning permission has the effect of also granting permission for the works to hedgerows necessary to implement the planning permission. The fact that the development requires the removal or part of an 'important hedgerow' does not mean that planning permission should be refused, although there is a presumption that important hedgerows should not be removed. A planning decision maker must therefore give due regard to the desirability of retaining the important hedgerow but must also consider the the extent of the works required to undertake the development, including the impact on its visual and ecological value.
- 10.3.6 In this instance, only a relatively short section of hedgerow around the access is proposed to be removed while a longer section is to be thinned to accommodate the visibility splays for the access. Neither the Councils Ecologist nor the Landscape Officer have objected to the works to the hedgerow, and it is noted the Council did not cite this as a matter of concern in the previous application. Moreover, the Inspector in the appeal did not object to the works required to the hedgerow which were also required to enable safe access to that development. It is therefore considered that, given that its landscape and ecological value can be safeguarded though suitable planning conditions, the works required to the 'important hedgerow' would not be so harmful as to justify the refusal of planning permission on these grounds.
- 10.3.7 Having regard to all of the above, while the development would result in some harm to the visual amenity value of the site and would result in the removal of part of an important hedgerow, the harm arising from the development can be mitigated by suitable planning conditions. Any residual impact from the development is likely to be considerably less harmful than the potential impacts on visual amenity from a permitted development scheme. Accordingly it is considered that the proposal would comply with the objectives of policies CP1, CP8, SP4 and DM2 of the Core Strategy and policy D7 Site Allocations and Development Management Plan.

10.4 The impact on the Somerset Moors and Levels

- 10.4.1 The site is located within the catchment area of the River Tone. The site is also located within the catchment area of the Somerset Levels and Moors Ramsar Site, Special Area of Conservation (SAC) and Special Protection Area (SPA), including the Somerset Levels and Moors Site of Special Scientific interest (SSSI) and National Nature Reserve (NNR).
- 10.4.2 The Somerset Levels and Moors Ramsar is one of the largest and richest areas of traditionally managed wet grassland and fen habitats in lowland UK. The majority of the site is only a few metres above mean sea level and drains through a network of ditches, rhynes, drains and rivers, between numerous small, low-lying fields and meadows. The Ramsar site is designated for its internationally important wetland features including floristic and invertebrate diversity and consists of a series of Sites of Special Scientific Interest (SSSIs) within the largest area of lowland wet grassland and associated wetland habitat remaining in Britain.
- 10.4.3 Development in the catchment area of the protected site has the potential, either alone or in combination with other development, to cause changes to water quality resulting from increased nutrients entering watercourses which are hydrologically linked to the Ramsar. New residential development within the catchment area has the potential to increase phosphate loading through the production of wastewater

during operation, potentially leading to degradation of habitat or changes in water quality.

- 10.4.4 The Councils Nutrient Neutrality Officer has advised that, in order to avoid a likely significant effect, the applicant intends to implement mitigation through creation of new habitats that will absorb additional nutrients. A traditional orchard, with a minimum 14 fruiting trees covering 0.054ha, will reduce the phosphorus load to a level unlikely to cause further deterioration of the Somerset Levels and Moors through nutrient increase.
- 10.4.5 The Council has undertaken a Habitat Regulations Assessment which has concluded that the project will not adversely affect the integrity of the Somerset Levels and Moors Ramsar Site, either alone or in-combination with other plans or projects, subject to the mitigation identified being secured in perpetuity. This should be secured through a planning obligation prior to any planning permission being granted. While there have been objections to received to the HRA the Councils Nutrient Neutrality Officer is satisfied that the assessment is robust and meets the requirements of the Regulations. The HRA has also been sent to Natural England, as required by the Regulations, and any comments will be incorporated in a final HRA prior to this being adopted by the Council.
- 10.4.6 For these reasons, and subject to the completion of a planning obligation to secure the necessary phosphate mitigation measures, the development is considered to comply with policies CP1 and CP8 of the Core Strategy.

10.5 Other matters

- 10.5.1 A number of other matters have been raised in public representations to the scheme. These are summarised in paragraph 8.5 of this report. These matters were also raised in respect of the previous application but were not found to be unacceptable, were not included as reasons for refusal and were not identified as matters of concern by the Inspector who considered the appeal. Given the similarities in the scheme, and given there has been no material change in circumstances since previous application was considered, it would not be reasonable to introduce these as new objections to the scheme on this application. It is however relevant to note the following:
- 10.5.2 *Impact on heritage assets* - the development would be located a significant distance from any designated heritage assets and the Councils Conservation Officer is satisfied that the development would not impact on the setting or significance of any designated or non-designated heritage assets. The Inspector also identified no harm in assessing the previous camping proposal on the site. Given there is no impact on heritage assets, the development would comply with the objectives of planning policy to protect such assets and would accord with the requirements of The Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.5.3 *Flooding* – The site is located in Flood Zone 1 where there is a low probability of fluvial flooding and the Environment Agency has raised no objection to the proposed development. In the event that planning permission is granted a condition to secure a Sustainable Drainage Strategy should be included which will insure that surface water run-off from the site is not increased and that the risk of surface water flooding to other properties is not increased.
- 10.5.4 *Highway safety / traffic* - The Councils Highways have advised that the access to the site would be provided with suitable visibility splays and have raised no objection to the proposal on highway safety, policy or capacity grounds.

- 10.5.5 *Biodiversity / Ecology* - The Councils Ecologist has raised no objections to the development and, subject to suitable planning conditions, the development would not impact protected species and would secure suitable ecological enhancements to the site to comply with current planning policy requirements.
- 10.5.6 *Light pollution* - the level of light spill from the site is likely to be low and limited to the periods that the site is in use and planning conditions can be included to control the provision of external lighting.
- 10.5.7 *Noise and disturbance* - the site is a sufficient distance from the closest residential properties for the development not to materially impact on the existing residential properties in the local area
- 10.5.8 *Economic benefits* - the economic benefits of the proposal are considered to be modest and this is not a determining factor in the application
- 10.5.9 In light of the above, while the comments submitted in respect of the application are noted, it would not be reasonable to withhold planning permission on these grounds.

11. Local Finance Considerations

11.1 Community Infrastructure Levy

11.2 The development is not CIL Liable.

12. Planning balance and conclusion

- 12.1 The general requirement of paragraph 11 of the NPPF is that all planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan, unless material considerations indicate otherwise. In this instance, the proposal is considered to comply with the requirements of the development plan.
- 12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions, and subject to the completion of a suitable planning obligation to secure the necessary phosphate mitigation.
- 12.3 In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning Conditions and Informatives

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo 2961-PL-01 Rev I Location & Site Plan

(A2) DrNo 2961-PL-02 Red Line Ste Area

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

3. The temporary toilet and shower blocks hereby approved shall be sited only within the areas shown on drawing 2961-PL-01 Rev I. No more than 4 buildings (total) shall be sited on the site at any time and no individual building shall exceed 3m² and shall not exceed 2.5m in height. No other temporary buildings or moveable structures or chattels shall be erected, placed or stored on the land at any time.

Reason: In the interests of the visual amenities of the area and to accord with Policy DM2 and CP8 of the Core Strategy.

4. The camping use hereby permitted shall be operated only between the 1st March and the 30th September in each calendar year. All tents and temporary buildings shall be removed from the site by on or before the 30th September each year, shall not be brought back on site before the 1st March and no tents, buildings or other equipment shall be stored on the site during this period.

Reason: To reflect the seasonal use proposed and in the interests of the visual amenities of the area.

5. The camping accommodation and tents hereby approved shall be occupied for tourism purposes only. No more than 10 bell tents (or any other type of tent) in total shall be erected on site at any time and no more than more than 24 people may occupy the site at any total time.

Reason: In the interests of the visual amenities of the area and to accord with the proposed nutrient neutrality strategy.

6. Before the development hereby permitted is first brought into use the existing access shall be modified in accordance with details shown on drawing number DR-A-050-001 Rev E. Once constructed the access shall be maintained in that condition thereafter at all times and there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on drawing number 2961-DR-A-050-001 Rev E (to include the 1.0-meter gap between the retained tree and the roadside hedge). Such visibility splays shall be constructed prior to the development hereby permitted first coming into use and shall thereafter be maintained at all times.

Reason: To ensure suitable access to the site is provided and retained.

7. Before the development hereby permitted is first brought into use, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed details and shall thereafter be maintained with the agreed surfacing at all times.

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport.

8. Prior to the first occupation of the development hereby approved, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that surface water from the site does not enter the highway.

9. The area allocated for access, parking and turning on the drawing number 2961-DRA-050-001 Rev E shall be kept clear of obstruction at all times and shall not be used other than for the purpose of access, parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway, in the interests of highway safety.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 6m behind the highway boundary and hung so as to open inwards only.

Reason: To allow a vehicle to wait off the highway while the gates are opened or closed and thus prevent an obstruction to other vehicles using the

highway, in the interests of highway safety.

11. Retained hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. Photographs of the measures shall be submitted to the Local Planning Authority prior to the commencement of any vegetative clearance or groundworks. The measures shall be maintained throughout the construction period.

Reason: A pre-commencement condition in the interests of European and UK protected species and biodiversity generally and in accordance with policy CP8 of the Taunton Deane Core Strategy and to avoid potential harm to the root system of any hedge leading to possible consequential damage to its health.

12. No vegetation removal works around the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds nests immediately before works proceed and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: To ensure the protection of nesting birds in accordance with the Wildlife and Countryside Act 1981 (as amended).

13. All ecological measures and/or works shall be carried out in accordance with the details contained in section 2 of the jh ecology Ltd report (January 2024) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: In the interests of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment

14. Prior to any works, including groundworks, commencing on site vegetative clearance will be carried out in strict accordance with the following procedure, either:
 - a) In October when dormice are still active but avoiding the breeding and hibernation seasons - A licensed dormouse ecologist shall supervise the work checking the site for nests immediately before clearance and, if needed, during clearance. All work shall be carried out using handheld tools only. If an above-ground nest is found it shall be left in

situ and no vegetation between it and the adjacent undisturbed habitat shall be removed until dormice have gone into hibernation (December) as per method b). The results will be communicated to the Local Planning Authority by the licensed dormouse ecologist within 1 week;

or

- b) Between December and March only, when dormice are hibernating at ground level, under the supervision of a licensed dormouse ecologist. - The hedgerow, scrub and/or trees will be cut down to a height of 30cm above ground level using hand tools. The remaining stumps and roots will be left until the following mid-April / May before final clearance to allow any dormouse coming out of hibernation to disperse to suitable adjacent habitat. No vegetative clearance will be permitted between June and September inclusive when females have dependent young. Written confirmation of the operations will be submitted to the Local Planning Authority by a licensed dormouse ecologist within one week of the works.

Reason: In the interests of the strict protection of a European protected species and in accordance with policy CP8 of the Core Strategy.

15. As enhancement and compensation measures, and in accordance with National Planning Policy Framework (NPPF) the following will be incorporated into the site proposal with photographs of the installed features submitted to the Local Planning Authority prior to first occupation:
 - a) Habitat enhancement as per jh ecology report 27th September 2023 enhancement section - In the first three years after planting, hedgerow whips should be selectively pruned between November and February to promote dense, bushy growth. In subsequent years hedgerow cutting should ideally be undertaken on a 2- 3 year rotation (targeting one side or different sections at any time), and managed to achieve a minimum height of 2m and width of no less than 2m. Cutting should be undertaken in late January/early February to avoid bird-nesting season and so that food for birds (berries and fruit) is available through much of the winter and flowers for pollinators are available in spring. Trees should be allowed to grow within the hedge at regular intervals by leaving specimens uncut when the hedge is managed.
 - b) Habitat enhancement as per jh ecology report 27th September 2023 enhancement section - To enhance biodiversity at the site, a native meadow mix should be used for the grassland planting within and around the bell tents. If the grassland is to be mown regularly, a suitable mix would be Emorsgate EG22 Strong Lawn Grass Mixture. The area to the north of the bell tents could be managed as a meadow area, sown with a species-rich wildflower mix. This would provide foraging and sheltering habitat for a range of species, including invertebrates, birds and small mammals. A suitable mix would be Emorsgate EM2 Standard General Purpose Meadow Mix or Naturescape N6 Clay Soils Meadow Mixture. In addition, the provision of longer margins (c.2m wide), for example along the eastern edge of the site, would provide breeding and over-wintering habitat for invertebrates, and nesting and foraging opportunities for birds.

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

16. A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.
 - (i) The scheme shall be completely carried out within the first available planting season (1 October to 31 March) from the date of commencement of the development. Written confirmation of the completion of the landscaping scheme shall be submitted to the Local Planning Authority.
 - (ii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow or are uprooted shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 23 the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

APPENDIX 2



Appeal Decision

Site visit made on 28 June 2023 by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 August 2023

Appeal Ref: APP/W3330/W/22/3307369 Land at Sweethay, Trull, Taunton TA3 7PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Mr A Ormerod against Somerset Council.
- The application Ref 42/21/0059, is dated 9 September 2021.
- The development proposed is charge of use of land for the siting of 10 bell tents and the erection of a service building along with car parking and landscaping.

Decision

1. The appeal is dismissed and planning permission for the change of use of land for the siting of 10 bell tents and the erection of a service building along with car parking and landscaping is refused.

Application for costs

2. An application for costs was made by Mr A Ormerod against Somerset Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The appeal was submitted against the failure of Somerset West and Taunton Council to give notice within the prescribed period of a decision on the planning application. Since the submission of the appeal, Somerset West and Taunton Council have merged with other Councils to form Somerset Council. As a result, I have referred to Somerset Council in the banner heading above.

Background and Main Issues

4. During the appeal the Council confirmed that they would have refused planning permission had they retained the power to determine the appeal. They have

produced an officer report and decision notice that references two reasons for refusal and the policies of the development plan to which the Council considers there is conflict. The first reason relates to the proposed development resulting in tourism accommodation in an unsustainable and inaccessible location contrary to the development plan. The second, states that by reason of its scale, siting and design, the proposed development would cause unacceptable harm to the character of the rural landscape, rural nature of the area and converge the hamlets of Dipford and Sweethay. The appellant had an opportunity to respond to the Council's reasons in their final comments.

5. In light of the above, the main issues are:

- the effect of the proposal on the character and appearance of the area; and,
- whether the appeal site is in an appropriate location for the proposal, having particular regard to development plan policies.

Reasons

Character and Appearance

6. The appeal site consists of unallocated greenfield land outside of settlement boundaries defined under Policy SP1 of the Taunton Deane Borough Council Adopted Core Strategy 2011-2028 (2012) (CS) and is therefore, treated as countryside for the purposes of Policies DM1 and CP6 of the CS and Policy SB1 of the Taunton Deane Adopted Site Allocations and Development Management Plan (2016) (DMP) and insofar as they relate to the character and appearance of the area.
7. The area around the appeal site is characterised by generally flat arable fields divided by hedgerows with few trees and with only sporadic groups of buildings. The appeal site is an open parcel of agricultural land forming part of a larger field. The site is visually and physically separated from any nearby agricultural buildings and is highly visible and prominent from a public footpath that runs across the field roughly to the east of the site. Although other views on approach to the site by road are generally screened by hedgerows and trees, the site is visible from the existing access serving the site.
8. The application was accompanied by a Landscape Statement prepared by Clark Landscape Design which I have taken into account. In that respect, I note that the site lies outside of any nationally designated site such as an AONB, outside of any conservation area and there are no trees protected by tree preservation order (TPO). Nonetheless, based on the totality of evidence before me and my observations I reach a different view to the conclusion of only minor visual impact. In that respect, whilst the proposed service building, which is 1.5 storeys taking account of storage space in the roof, would be finished with dark stained horizontal timber cladding and dark brown roof tiles, by reason of its design comprising several doors and windows, and isolated position detached from any other farm buildings, it would not have the appearance of an agricultural building. By reason of its size and height, separation and visual detachment from any buildings, the proposal would appear harsh, isolated and prominent in the landscape. Moreover, in light of the open arable nature of the area, the proposed car park and bell tents would also be unusual and detrimental built forms in a

rural landscape devoid of such features. I, therefore, find that the proposed building, car park and bell tents would have an unacceptable impact upon the character and appearance of the area.

9. In reaching the above finding, I have taken into account that the use of the bell tents would be seasonal and could be removed during the winter months with storage in the service building. However, the proposal involves permanent built development in the form of the service building and proposed car parking which would remain. In that respect, I note that such development is typically common with caravan and camping sites, for example through hard-surfaced pitches and small parking areas that are retained all year round. However, such sites are generally well screened and not prominent within the landscape. I also recognise that the proposed service block, car park and tents would be screened from the road by existing hedgerows, but nonetheless some or all of these would be very prominent from the adjacent public footpath, from the proposed access and from within the site.
10. Additional planting to help screen the proposal would be capable of being secured by condition if the appeal were to be allowed and planning permission granted. However, even if this were capable of screening the service block and tents over time and at all times of the year, to my mind, the scale and type of such planting of itself would appear unnatural and incongruous in the predominantly open character of the existing landscape. As such the potential for additional planting in this case would not overcome the unacceptable impact of the development that I have previously identified.
11. I note the appellant's reference to a genuine and realistic fallback position in relation to a Certified Site Licence and permitted development rights. Even if these were applicable and utilised, I have limited evidence demonstrating that they would result in the provision of a permanent two-floor utility block and large hard surfaced car park. As a result, based on the evidence before me, I consider it reasonable that the visual impact from any realistic fallback position would be significantly reduced in comparison to the appeal proposal.
12. I have also taken into account that due to the small scale of the proposal, and by virtue of its location viewed in isolation from the buildings forming Sweethay and Dipford, the proposal would not result in any noticeable or harmful physical or visual convergence of these hamlets. However, the absence of concern in that particular respect does not justify the harm I have otherwise identified.
13. In light of all of the above, I conclude that the proposal would cause significant harm to the character and appearance of the area. It is therefore contrary to Policies DM1 and CP8 of the CS and Policy SB1 of the DMP. Amongst other things, these seek to protect unallocated greenfield land outside of settlement boundaries including protecting the open character of the area, seek development that is appropriate in terms of scale, siting and design, located where the development would not unacceptably harm the appearance and character of any affected landscape and is designed and sited to minimise landscape impacts. As a result, the proposal is also contrary to the National Planning Policy Framework (the Framework) that seeks to achieve well designed places that are sympathetic to the surrounding built environment and landscape setting.

Location

14. As previously mentioned, the site does not fall within a settlement defined under policy SP1 of the CS and as such should be treated as countryside and assessed against the relevant criteria of CS policies CP1, CP8 and DM2 with respect to whether its location is suitable.
15. In that respect, CS Policy CP8 states that development outside of settlement boundaries will be permitted, amongst other criteria, where in accordance with local policies for development. CS Policy DM2 is one such local policy. This policy supports touring caravan and camping sites with good access to the main road network, where not in a flood plain or in an area at high risk of flooding. The site does not fall within a flood plain and is not at a high risk of flooding.
16. The appeal proposal comprises ten bell tents, and although proposed to be sited permanently between the 31st of March and 31st of October, as suggested in the appellant's response to the Council's suggested conditions, the site would nonetheless operate as a camping site with visitors arriving and sleeping and living in the bell tents for short periods. As a result, the proposal falls to be considered under CS Policy DM2.
17. The site would benefit from direct vehicular access onto a road that has good links to the main road network via Dipford and Sweethay/Staplehay/Trull. Although the site is within the countryside, it is a relatively short distance from the services, facilities, and bus route, albeit with limited services, at Staplehay/Trull. The site would be accessible via the local public footpaths during months of operation when the weather is generally dryer and lighter, despite the possibility for them being overgrown at times. Although limited due to the scale of the proposal, there would be some benefits to the local community and businesses through potential increased spend from visitors and servicing of the site including cleaner, laundry and tradespeople, and additional trade for services and facilities within Trull.
18. With regard to the above, I note the Council's desire to locate tourist accommodation in and around sustainable settlements. However, in light of the short distance to Staplehay/Trull and close relationship to Taunton, attractive nature of the lanes for walkers and cyclists looking for a rural camping location, I find that the site is located close enough to sustainable settlements to adequately reduce the reliance on the car.
19. In reaching the above findings I have taken into account that Policy A5 of the DMP sets out criteria for accessibility of development including maximum accessible travel times and maximum acceptable walking distances for residential development and all major non-residential development. However, the development proposal does not fall within either of those specific categories referred to in Policy A5 and it is reasonable that the proposed tourism use would not require access to some of the services referred to such as employment and education. As such, Policy A5 is not determinative on this appeal.
20. Notwithstanding the above, CS Policy DM1 requires development to be in a sustainable location and that additional road traffic arising would not overload access roads or lead to road safety problems. To my mind the presence of a

shop, garage, café and bus stop within a mile of the proposed development site would provide a suitable range of services and facilities to meet some of the essential day to day needs of visitors to the site. This situation would also potentially be further enhanced if the allocated mixed-use site at Comeytrove/Trull is developed in the future. Having regard to all of those matters, I consider the site to be a suitable location for the use proposed when taking into account that a tourism use for holiday makers as supported by CS Policy DM2 will inevitably and reasonably result in some private car use to visit more distant places of interest, notwithstanding a suitable range of alternatives such as bus services, walking and cycling to nearby settlements.

21. Local residents have expressed concerns in terms of the speed of traffic near to the site, visibility at the junction and local highway conditions. In those respects, I note that there are no objections to the proposal from the local highway authority, subject to conditions including to secure appropriate visibility splays and limit the capacity of the development to a maximum of 24 overnight occupants. Based on the evidence before me and my own observations I have no reason to take a different view. I am satisfied that the extent of activity and comings and goings arising from the development

proposed and associated car parking arrangements for the proposed use would not have an unacceptable impact on local highway conditions or highway safety for vehicles, pedestrians and cyclists.

22. I am also satisfied that the small scale and nature of the proposal aimed at couples' glamping would not result in significant noise and disturbance arising from either the proposed use or associated deliveries. In that context, I find no planning justification to require permanent on-site management and an appropriately worded condition could be imposed to control the number of occupiers of the development to protect the living conditions of residents of nearby properties if the appeal were to be allowed. Furthermore, based on the evidence before me, suitable on-site drainage and refuse provision would be feasible with full details capable of also being secured by condition.
23. The proposal would result in the loss of the site from agricultural use. However, the site is comparatively small in size relative to the remaining agricultural fields from which it would be subdivided by planting from adjacent farming activities. I am, therefore, satisfied that the proposal would fall within the uses supported in principle in the countryside by Policy DM2 of the CS and would not constitute significant development of agricultural land, as such there would be no unacceptable impacts in those particular respects. In reaching that view, whether or not the appellant is a farmer with or without a business plan is not an influential factor given that the proposal must be considered on its planning merits. In that regard, I have also afforded little weight to the assertion that the site could be easily returned to agricultural use in the future given that the proposal is for a change of use of the land with associated development. Any application for a camping license to other bodies fall outside of my remit and have no bearing on the planning merits of this appeal.
24. In terms of the broader objectives of CS Policies CP1 and CP6 in terms of climate change and seeking that development proposals result in a sustainable environment, based on the reasoning above, I find that the proposed

development in the countryside consists of a use that is supported in principle in such a location. Furthermore, for the reasons previously stated it would be sufficiently close to a range of local services and facilities which would limit the reliance upon travel by private car for users of the development. In addition, the proposal also would adequately address climate change through other means such as provision of electric charging points and utilisation of rainwater harvesting (including hedgerow planting).

25. In conclusion in relation to this main issue, the appeal site is in an appropriate location for the proposal, having particular regard to development plan policies. As a result, the proposal would not conflict with the relevant Policies DM2, SD1, CP1 and CP6 of the CS in that regard. Amongst other things, these support touring and camping sites with good access to the main road network, support development that reduces the need to travel and result in a sustainable environment. In this regard the proposal also complies with the Framework in terms of enabling sustainable rural tourism. There is no specific conflict with Policy SB1 of the DMP in locational terms within this particular context, albeit I have otherwise found harm and conflict with it with respect to impact on the landscape relative to the first main issue.

Other Matters

26. I have taken into account the economic benefit from the proposal along with the benefits put forward by the appellant with regard to the fallback position in relation to it possibly generating a greater number of people, with potential for less impact upon phosphates and noise, the creation of part-time employment opportunities to clean and maintain the site and welcome guests, increased number of pitches and vehicle movements and the lack of improvements to the landscape and access. However, these benefits are limited by the scale of the proposal and do not outweigh my findings above in relation to the significant harmful effect on the character and appearance of the area arising from the proposal before me.
27. I have considered the positive pre-application response by the council, but this is non-binding and I have determined the appeal on its merits.
28. The site falls within the catchment for the Somerset Levels and Moors Ramsar Site and Phosphate Catchment Area. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter or the related duties under the Conservation of Habitats and Species Regulations 2017 further.
29. I have taken into account the numerous other planning and appeal decisions put forward, including those by the appellant¹, but these are generally for slightly different camping proposals, are in different locations, and I have considered the proposal on its merits.
30. Given the nature of the proposal and arable nature of the site at present, there is limited evidence of any harm to wildlife or ecology, but this is neutral in my consideration.

¹ APP/D3315/W/17/3179264 and APP/H0738/W/21/3278158

Conclusion

31. In conclusion, the appeal proposal would have a significantly harmful effect on the character and appearance of the area. In my view, that is the prevailing consideration. Although I have found that the location of the proposal complies with some LP and DMP Policies, the proposal should be regarded as being in conflict with the development plan, when read as a whole. There are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, the appeal is dismissed.

C Rose

INSPECTOR