

Application Details	
Application Reference	2024/1223/FUL
Application Types	Full
Extension of Time	Requested
Description	Erection of a detached two storey self-build dwellinghouse and garage.
Site Address	Land At 361185 153689 Ston Easton Lane Ston Easton Wells Somerset
Parish	Chewton Mendip
Conservation Area	No
Somerset Levels and Moors Ramsar Catchment Area	No
AONB	No
Case Officer	Jennifer Alvis
Agent	Tadman Planning Consultants Ltd
Applicant	B Reed
Reason for referring application to Members	The application has been referred to the Planning Committee at the request of the Vice Chair following referral.

1. Recommendation

1.1 Recommendation for refusal

2. Executive Summary of key reasons for recommendation

- 2.1 The proposal has been submitted as a self-build application requiring consideration under DP24, yet the application fails to meet the criteria of this policy as the site is not part of, nor adjacent to, the nearest recognisable named settlement as required by the policy. Accordingly, the proposal would result in a dwelling in the countryside where development is strictly controlled and does not represent an exception to the Council's Spatial Strategy for the distribution of housing as set out in CP1 and CP2.

3. Planning Obligations, conditions and informatives

3.1 Obligations

None

3.2 Conditions

None

4. Proposed development, Site and Surroundings

Details of proposal

- 4.1 The application seeks approval for the following development. The proposal is for the erection of 1no. self build, 2 storey, dwellinghouse with associated detached garage and landscaping.

Site and surroundings

- 4.2 This application relates to a parcel of land located to the west of a small group of properties, formally agricultural buildings, known as Chewton Farm Fields. The site is accessed from Green Lane to the south and lies approx 500m to the west of Ston Easton and 1.3km north east of Chewton Mendip. The land is currently in use as a wider garden space for the nearby property, The Laithe which is owned by the applicants parents, and is made up of a grassed area and vegetable plots. An operational agricultural unit and equestrian enterprise lies directly to the north of the site.
- 4.3 The site lies in the open countryside, outside any development limits and within a Air Limit Civilian Zone and SSSI Impact Risk Area

5. Relevant Planning History

- 5.1 None.

6. Habitat Regulations Assessment

- 6.1 Not required for this application

7. Consultation and Representations

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

7.1 Statutory/Non Statutory Consultees

7.2 It should be noted not all statutory consultees are consulted on all planning applications. The circumstances for statutory consultation are set out in the Development Management Procedure Order.

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

Consultees	Consultee Comments
<u>Ward Member</u>	No response
<u>Parish Council</u>	Supports the application
<u>Highways</u>	Standing Advice
<u>Environmental Protection</u>	No objection
<u>Contaminated Land</u>	No objection

7.4 Local consultation and representation

6 letters of support have been received from local residents raising the following points

- No impact on existing properties
- Will allow a family to stay in the area
- Contribute to the local community
- Family grew up in the area and have strong local links
- Living near their parents will benefit both households

Relevant planning policies and Guidance

8.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application 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 indicate otherwise.

- 8.2 The site lies in the former Mendip area. For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises:
- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
 - Mendip District Local Plan Part II: Sites and Policies (post JR version)
 - Somerset Waste Core Strategy (2013)
 - Somerset Mineral Plan (2015)
- 8.3 The Mendip Local Plan Part II Limited Update was submitted to the Secretary of State for independent examination on 30 September 2024. This has identified additional housing and employment sites and included further detailed policies (for example, development management policies) to complement the strategic policies set out in the Local Plan Part I. This process does not affect the weight that should be given to policies as outlined below.
- 8.4 Relevant policies of the development plan in the assessment of this application are listed below.

Policies of the Mendip District Local Plan Part I: Strategy and Policies (December 2014)

- CP1: Spatial Strategy
 - CP2: Housing
 - CP4: Sustaining Rural Communities
 - DP1: Local Identity and Distinctiveness
 - DP5: Biodiversity and Ecological Networks
 - DP6: Bat Protection
 - DP7: Design and Amenity
 - DP8: Environmental Protection
 - DP9: Transport Impact of New Development
 - DP10: Parking Standards
 - DP23: Managing Flood Risk
- 8.5 Policies of the Mendip District Local Plan Part II: Sites and Policies (December 2021) Post JR Version
- DP24: Single-plot Exception Sites for Self & Custom-Build

8.6 Other Relevant Documents

- National Planning Policy Framework (NPPF) (2023)
- National Planning Practice Guidance
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- National Design Guide (2019)
- 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)
- Policy DP24 Supplementary Planning Document - Self and Custom-build Single-plot exception sites in Mendip (March 2022)

8.7 Neighbourhood Plans

None relevant

8.8 The National Planning Policy Framework 2023

The revised National Planning Policy Framework (NPPF), last update December 2023 sets the Governments planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

- 2: Achieving sustainable development
- 4: Decision-Making
- 11: Making efficient use of land
- 12: Achieving well-designed places
- 14: Meeting the challenge of climate change, flooding and coastal change
- 15: Conserving and enhancing the natural environment

9. Material Planning Considerations

9.1 The main planning issues relevant in the assessment of this application are as follows:

- The principle of development
- Design, Appearance, and Scale of the Development

- Residential Amenity
- Highway Safety and Parking Provision
- Ecology

Principle of Development

- 9.2 Core Policy 1 (CP1) of the adopted “Mendip District Local Plan - Part 1” says that to enable the most sustainable pattern of growth for Mendip District the majority of development will be directed towards the five principal settlements (Frome, Shepton Mallet, Wells, Glastonbury and Street). This application site is however outside of the Development Limits where CP1 states that any proposed development will be strictly controlled and will only be permitted where it benefits economic activity or extends the range of facilities available to the local communities.
- 9.3 Core Policy 2 (CP2) of the Local Plan states that the delivery of new housing will be secured from three sources (a) Infill, conversions and redevelopments within Development Limits defined on the Proposals Map, (b) Strategic Sites identified on the Key Diagrams for each town associated with Core Policies 6-10 and (c) other allocations of land for housing and, where appropriate, mixed-use development, outside of Development Limits through the Site Allocations process. The creation of a dwelling as indicated would not accord with the requirements of CP2 and the strategy for the delivery of housing.
- 9.4 Policy DP24 of Mendip District Local Plan Part II: Sites and Policies (December 2021) (post JR version) relates to Single-plot exception sites for self and custom build. This is supported by an SPD. The policy details that as an exception to normal policy for the provision of housing (CP1 and CP2), permission may be granted for single affordable self build and custom build dwellings in locations adjoining rural settlements where they meet the necessary criteria.
- 9.5 The proposal is tested again the criteria of DP24 as follows:
- 9.6 Eligibility
- 9.6.1 Applicants must demonstrate that they are in housing need and are unable to identify or afford a suitable alternative home currently for sale on the open market in the local area or within 5km of the proposed site. Applicants must also demonstrate a strong local connection to the settlement.
- 9.6.2 *The applicant has provided suitable evidence to confirm their compliance with this criteria.*
- 9.7 Location
- 9.7.1 Exception sites must be part of, or adjacent to, a recognisable named settlement.

9.7.2 *The site is not located within or adjacent to a recognisable named settlement. The site is located approximately 500m from Ston Easton, the nearest named settlement, which doesn't benefit from development limits given the limited services available in this location. While the applicant makes the argument that the group of dwellings known as Chewton Fields Farm are a named settlement, this is not recognised in the Mendip Local Plan as a settlement in its own right and as such would not be considered compliant with this section of the policy.*

9.8 Design and Scale

9.8.1 The dwelling size will not normally be permitted to exceed 140 square metres gross internal floor space or occupy a plot of more than 0.1ha. Development must be in harmony with the character of the area, of a suitable design which is appropriate to its location.

9.8.2 *The proposed dwelling has a floor space of 140m² (not including the detached garage). The plot occupies 0.095 hectares.*

9.8.3 *The style of the dwelling has been designed to reflect the character of the other dwellings on the site with the use of natural stone, timber cladding and clay tiles which will match the existing. The incorporation of local materials, along with the two storey design with a timber framed porch, will result in a dwelling which appears harmonious within the local context. There are a number of traditional buildings in close proximity however there are no listed properties within this complex.*

9.9 Future Occupation

9.9.1 To ensure community benefit going forward, appropriate mechanisms must be in place to ensure dwellings remain affordable in perpetuity.

9.9.2 *This would need to be secured by a legal agreement (S106) if the application was to be approved.*

9.10 Conclusion against DP24

9.10.1 Taking the above points into consideration the proposal fails to comply with DP24 as the site is not part of, or adjacent to the nearest named settlement, Ston Easton, which is approximately 500m away. In addition, Ston Easton does not benefit from development limits given the limited services available in the village which will further foster the need to travel by private motor vehicle to achieve daily needs.

9.10.2 The Local Planning Authority (LPA) is not currently able to demonstrate a five-year supply of housing land. This means that policies in the Local Plan that are related to the delivery of housing, Core Policy 1 (CP1) and Core Policy 2 (CP2), can only be given reduced weight. As a consequence of not being able to demonstrate a five-year supply, the 'presumption in favour of sustainable

development' as set out in paragraph 11(d) of the National Planning Policy Framework (NPPF) applies.

- 9.10.3 However, permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF policies taken as a whole or where its specific policies indicate that development should be restricted.
- 9.10.4 In this case given the proposal is contrary to DP24, it would be contrary to Council's Spatial Strategy for the distribution of housing as set out in CP1 and CP2 and would result in a new dwelling in an unsustainable location. As a scheme for just one dwelling, the benefits of the proposal are not considered to outweigh the harm caused by this conflict against the development plan and the other harms assessed below. The principle of development is therefore considered unacceptable.

Design, Appearance, and Scale of the Development

- 9.11 The use of local materials, such as natural stone, timber cladding and clay tiles, to match the existing properties, along with the traditional two storey design, results in a scheme which would not appear incongruous when viewed within the context of the traditional former agricultural buildings, now dwellings, on the wider site. The use of render on the rear elevation would not be visible when viewed from public vantage points.
- 9.12 The garage is also proposed to feature local materials to match the existing properties and has been designed to be subservient to the main property, with a traditional gable roof and simple design which reflects the proposed dwellinghouse. The use of timber cladding on both buildings would be in-keeping with the former agricultural nature of the wider site.
- 9.13 The site is located away from the nearest public highway, Green Street, to the south and would largely be screened within the wider landscape by tall established trees which border the site to the north-west and south-west. There is also an established large hedgerow to the south-east which would provide further screening when viewed from Green Street and the access lane leading to the group of properties. The existing properties lie to the north-east.
- 9.14 Given the existing screening, along with the use of materials to match the local vernacular, the proposed dwelling would not be considered to have a detrimental impact on the street scene or wider landscape. Therefore, the proposal would comply with policies DP1, DP4 and DP7 of the Local Plan Part 1.

Residential and Public Amenity

- 9.15 The proposed dwelling is set back from the closest neighbouring property, The Laithe, and angled as such to be side on to the existing dwelling. While some of the garden space for The Laithe will lie adjacent to the proposed dwelling, it is

also adjacent to the main access track for Chewton Fields Farm, and as such is already afforded a lesser degree of privacy than a rear garden. While there is a large full height window on the east elevation looking towards the Laithe, given the separation distance and orientation between the two properties the relationship is considered acceptable.

- 9.16 While the site forms part of the garden for The Laithe, the plot is large enough to accommodate a new dwelling while still retaining adequate outdoor amenity space for both properties.
- 9.17 Given the design, scale, massing, and siting of the proposed development 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.

Highway Safety and Parking Provision

- 9.18 The site is accessed via an existing access track which serves the 7 properties at Chewton Fields Farm. The track has sufficient passing space for vehicles entering and exiting the site, and the access onto Green Street has good visibility in both directions.
- 9.19 There is ample space on site for the parking and turning of vehicles and the provision of secure cycle storage and EV charging points, all of which can be controlled via conditions. A double garage is proposed which will provide off street parking.
- 9.20 No objections are raised on this basis and the proposal complies with DP9 and DP10 of the Local Plan Part 1.

Impact on Ecology:

- 9.21 The site does not contain any ecological constraints and as such no ecology surveys have been submitted with the application. The site is currently used as vegetable plots and garden for The Laithe and as such is well maintained and regularly turned over, which would not create ideal habitats for wildlife. While the site does not fall within a Bat Consultation Zone, it is still in a rural area with hedgerows of large trees bordering the site which could be used by foraging bats. As such, a 'lighting design for bats' condition should be applied to any approval and an informative included which reminds the applicant that it's an offence to disturb nesting birds.
- 9.22 The proposal is for a self-build dwelling which is exempt from 10% BNG requirement however DP5 of the Local Plan requires there to be some net gain in terms of biodiversity. This could be secured via condition in the form of bird

and/or bats boxes, bee bricks and native planting, as could the self-build requirement.

- 9.23 If the application was otherwise considered acceptable, conditions could be imposed to ensure the proposed development would 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.

Refuse Collection:

- 9.23 There is adequate space on site for the provision of storage for waste and recycling bins and the waste and recycling collection will utilise the existing arrangements for the other dwellings.

10. Recommendation

- 10.1 The proposal has been submitted as a self-build application requiring consideration under DP24, yet the application fails to meet the criteria of this policy as the site is not part of, nor adjacent to, the nearest recognisable named settlement as required by the policy.

- 10.2 Accordingly, the proposal would result in a dwelling in the countryside where development is strictly controlled and does not represent an exception to the Council's Spatial Strategy for the distribution of housing as set out in CP1 and CP2.

- 10.3 It would therefore lead to unjustified encroachment into the countryside and represent unsustainable development by virtue of its distance and poor accessibility and connectivity to local services and facilities, thus fostering a growth in the need to travel by private vehicle.

- 10.4 The proposal is therefore considered to be contrary to the provisions of Policies CP1 and CP2 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014); DP24 (Single-plot Exception Sites for Self and Custom-Build) of Mendip District Local Plan Part II: Sites and Policies (December 2021) (post JR version); and the National Planning Policy Framework, to include paragraphs 11 and 12 and Chapters 5 and 9, and National Planning Practice Guidance.

10.5 Recommended for Refusal as follows:

The proposal has been submitted as a self-build application requiring consideration under DP24, however the application fails to meet the criteria of this policy as the site is not part of, nor adjacent to, the nearest recognisable named settlement as required by the policy. Accordingly, the proposal would result in a dwelling in the countryside where development is strictly controlled and does not represent an exception to the Council's Spatial Strategy for the

distribution of housing as set out in CP1 and CP2. It would therefore lead to unjustified encroachment into the countryside and represent unsustainable development by virtue of its distance and poor accessibility and connectivity to local services and facilities, thus fostering a growth in the need to travel by private vehicle. The proposal is therefore considered to be contrary to the provisions of Policies CP1 and CP2 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014); DP24 (Single-plot Exception Sites for Self and Custom-Build) of Mendip District Local Plan Part II: Sites and Policies (December 2021) (post JR version); and the National Planning Policy Framework, to include paragraphs 11 and 12 and Chapters 5 and 9, and National Planning Practice Guidance.