

Application Details	
Application Reference	2024/1408/FUL
Application Types	Full Application
Extension of Time	Agreed to
Description	Erection of a temporary custom build agricultural dwelling.
Site Address	Land West Of Mount Pleasant Farm Murtry Hill Lane Buckland Dinham Frome Somerset
Parish	Buckland Dinham Parish Council
Conservation Area	Not relevant
Somerset Levels and Moors Ramsar Catchment Area	Not relevant
AONB	Not relevant
Case Officer	Carlton Langford
Agent	
Applicant	Mr J Stevens
Reason for referring application to Members	This application is referred to the Chair and Vice Chair of the Planning Committee as the case officer's recommendation to refuse differs from that of the Parish Council.

1. Recommendation

1.1 Recommendation for refusal.

2. Executive Summary of key reasons for recommendation

2.1 This application relates to a parcel of land located to the south of Buckland Dinham, a small village which doesn't benefit from development limits. The land is currently a small holding including an orchard, fruit and vegetable growing and animals.

3. Planning Obligations, conditions and informatives

3.1 Obligations

None

3.2 Conditions

The recommendation is for refusal. _

4. Proposed development, Site and Surroundings

4.1 This application relates to a parcel of land located to the south of Buckland Dinham, a small village which doesn't benefit from development limits. The land is currently a small holding including an orchard, fruit and vegetable growing and animals. The site lies within a bat consultation zone.

4.2 The site is accessed via the A362, a Class 1 highway with a speed limit of 40mph at the location of the access.

4.3 This application seeks full planning permission for the erection of a temporary custom build agricultural dwelling.

4.4 This is a repeat application by the same applicant to secure a dwelling on the site having been refused planning permission earlier in the year for a Self-build dwelling.

4.5 The details of the application scheme area as follows

- A cabin unit of approximately 90 square metres with all accommodation at ground floor level
- Ground works to deliver a levelled site area
- A new site access.

5. Relevant Planning History

5.1 LPA case ref: 2014/2143/FUL - Construction of 2 single storey detached dwellings with garages – Refused 2015.

Reasons –

The site lies in the open countryside on the outskirts of Buckland Dinham where development is strictly controlled. The proposed development would have a harmful impact on the countryside's intrinsic character here and would conflict with the Local Plan's site allocations process for non-strategic sites. As such, the development would be contrary to Policies CP1, CP2 and CP4 of the Mendip District Local Plan 2006 - 2029 and the National Planning Policy Framework and would not constitute sustainable development and would foster the growth in the need to travel.

The proposed development by reason of its siting, design and appearance which fails to appreciate local identity, and which is located in an unsustainable location will have a significantly harmful impact on the character and appearance of the rural landscape contrary to Policies CP1, DP1, DP4 and DP7 of the Mendip District Local Plan 2006-2029 and Policies with the National Planning Policy Framework (NPPF).

5.2 LPA case ref: 2024/0707/FUL - 2-bedroom self-build wooden cabin dwelling – Refused 2024

Reason –

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, or adjacent to the nearest recognisable settlement and the scale of the development, in terms of plot area, exceeds the limitations set out in the policy. Accordingly, the proposal would result in an isolated rural 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, CP2, CP4 and DP9 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.

6. Habitat Regulations Assessment

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
Buckland Dinham Parish Council	Raised no objections.
Divisional Member	No Comment

7.4 Local consultation and representation

Notifications were sent to all properties that adjoined the site. No comments were received.

8. 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 (December 2021) (post JR version)

8.3 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 2024)

- CP1 – Mendip Spatial Strategy
- CP2 – Housing Provision
- CP4 – Sustaining Rural Communities
- DP1 – Local Identity and distinctiveness
- DP4 – Mendip Landscapes
- DP5 – Biodiversity and ecology
- DP6 – Bats
- DP7 – Design and Amenity
- DP9 – Transport

- DP10 – Parking
- DP13 – Accommodation for rural workers

Other Relevant Documents

- National Planning Policy Framework (NPPF) (2024)
- National Planning Practice Guidance
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- National Design Guide (2019)

The National Planning Policy Framework 2024

The National Planning Policy Framework (NPPF), last update December 2024 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
- 5: Delivering a sufficient supply of homes
- 9: Promoting sustainable transport

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
- Heritage Conservation
- Residential Amenity
- Ecology and Tree Protection
- Highway Safety and Parking Provision

Principle of the Use:

9.2 The application site is situated within the open countryside isolated from services and facilities where development is strictly controlled. Development may only be granted in exceptional circumstances where the proposal meets the provisions as set out in Core Policy CP4 - sustainable rural communities.

9.3 Policy CP4 of the Local Plan makes provision for occupational dwellings in rural locations, where there is proven essential need, to support agricultural, forestry and other rural-based enterprises as set out within Policy DP13 of the Plan – Accommodation for rural Workers.

9.4 Paragraph 84 of the National Planning Policy Framework (NPPF) seeks to avoid isolated home in the countryside unless, amongst other criteria, there is an essential need for a rural worker, to live permanently at or near their place of work in the countryside.

9.5 The applicant has submitted a 3-year business plan to support the application for the need

for a full-time worker to live on site. Currently there is no enterprise (no business is being operated from the site).

9.6 The site comprises a total of 2.44 acres (0.98 hectares) of agricultural land (outlined in blue in the Block Plan) There is no other agricultural land within the applicant's ownership or control.

9.7 The business plan suggest that Clay's Orchard (Name for the holding) is currently at pre-launch, but projects gross earnings of over £20,000 for its first 12 months of trading (£15,000 profit) and would require at least 2.58 FTE labour requirement. Numerous agricultural activities are proposed which include vegetable/fruit production, milk production (sheep and goats), egg production (ducks, chickens and quail), small-scale sheep, goat and poultry rearing and bee keeping. Whilst the activities are numerous, the scale to which they can be achieved are limited to the 2.44 acres, and the Council would suggest that the business plan is at best, optimistic having regard for the very limited land available to the applicant. The working of this small parcel of land would not amount to more than a hobby farm.

9.8 For new rural enterprises, in the first instance the Council will only grant permission for temporary accommodation for a 3 year period. Applications for temporary accommodation will be supported where:

- i) the nature of the accommodation means it can easily be dismantled or removed;
- ii) clear evidence, through a business plan or other assessable proposal, shows a firm intention and ability to develop the enterprise on a sound financial basis.

The application proposes a log cabin structure requiring a foundation. This would represent a permanent structure and not one that can be easily dismantled and removed from the site. As already discussed, it is unlikely that this very small holding will be of a scale sufficient to generate an income to support 1 full time worker let alone 2.58 workers.

9.9 The Council will support proposals for permanent rural workers' dwellings where:

- i) the enterprise has been established on the unit for at least three years;
- ii) business accounts for the preceding 3 years indicate that at least one of those years has been profitable, and that the enterprise is currently financially sound and has clear prospects of remaining so;
- iii) The criteria in clause 1a) continue to be satisfied.

9.10 As a permanent dwelling, no enterprise has been established on the site and therefore no accounts to assess to prove financial stability.

9.11 With respect to the criteria in clause 1a) of policy DP13 -

- i) the dwelling and its proposed location are essential to support or sustain the functioning of the enterprise.

There is currently no enterprise and even if an enterprise were to be established, it is very unlikely that it would be of a scale that would require a full-time worker to reside on site permanently.

- ii) there is a need for permanent occupation which relates to a full-time worker or one who is primarily employed by the business.

It is very unlikely that permanent occupation would be necessary, the limited activities associated with a small hold such as this could easily be achieved during normal working hours.

iii) all alternative accommodation options have been explored and no satisfactory alternative means of providing accommodation has been identified.

No alternative accommodation options have been explored and no satisfactory alternative means of providing accommodation has been identified.

iv) the size of the proposed dwelling is commensurate with the established functional requirement for the enterprise.

If there were a clear functional need for the proposed accommodation, its size would be acceptable.

v) the design and siting of the proposal does not conflict with the intentions of Development Policy 5, particularly in relation to Natura 2000 sites and Development Policy 4: Mendip's Landscapes.

Having regard for the ecological assessment of the site, no species or habitat would be adversely impacted by the proposal.

9.12 There is no reason why a full-time worker cannot travel to and from the site from one of the many nearby settlements to include Frome, to undertake the everyday activities associated with the everyday farming activities on the site.

9.13 With no essential need or special circumstance demonstrated by the applicant that the accommodation is essential to support and sustain the functioning of the enterprise or an essential need for a worker to live permanently on site, the proposal merely represents an isolated dwelling in the countryside which both national and local plan policies seek to avoid.

9.14 Notwithstanding the above, the Council cannot currently demonstrate a five-year housing land supply in accordance with the requirements of the NPPF. As a result, the policies within the Local Plan, which seek to prevent new housing outside the development limits of settlements (CP1 and CP2) cannot be given full weight in the decision-making process. Therefore, whilst regard should be given to the policies in the Local Plan, the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the NPPF applies. However, permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole or where its specific policies indicate that development should be restricted.

9.15 All aspects of the proposed development will be assessed below, and all of the factors weighed in the balance at the end of this report.

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

10.1 The site is located to the west of the A362 and slopes downwards away from the highway. As such, a single storey dwelling in this location, with a green roof, would largely be screened from the highway by the existing high, established hedgerows which border the site.

10.2 The site would however be more visible from the public rights of way which run past the

western boundary and from across the valley. Without an essential need to allow a dwellinghouse in this isolated rural location, the proposal would also be harmful to the rural character and appearance of the area and wider landscape, failing to preserve the character of the countryside for its own intrinsic value.

10.3 Therefore, the proposal fails to comply with Policies DP1, DP4 or DP7 of the Local Plan.

Impact on Residential Amenity:

11.1 The proposed dwelling is in an isolated location and therefore there is unlikely to be any impact on nearby properties.

11.2 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.

Impact on Ecology:

12.1 The site is located within a Band B bat consultation zone for Mells Valley. A preliminary ecological assessment has been undertaken on the site and confirms there are no protected species present. Although it is noted that the site is a foraging route for several species of bats.

12.2 The report includes recommendations with regards to lighting and protection of hedgerows.

12.3 The proposal is for a self build dwelling which is exempt from BNG requirement. In addition, the applicant has re-established an historic orchard and created a wildlife pond with willow to encourage birds and invertebrates into the new habitat, which has already provided a net gain in terms of biodiversity.

12.4 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.

Assessment of Highway Issues:

13.1 The site is accessed via an existing field access onto the A362 to the east which carries a 40mph speed limit at this section of the highway. Somerset Highways have referred the application to Standing Advice.

13.2 Somerset Standing Advice states that access gates from major roads such as the A362 should be set back a minimum of 6m from the highway edge to allow vehicles to pull in off the road to the front of the gates, and that the first 6m of the access surface should be consolidated. These would be conditioned if the application were successful.

13.3 A plan has been submitted which demonstrates visibility splays of 102m to the north and 112m to the south which is excess of the 65m required by Manual for Streets. The hedges either side of the access are within the ownership and control of the applicant and as such a condition can be applied which requires that there be no obstruction above 900mm within these

visibility splays.

13.4 The addition of one property is unlikely to result in a significant increase in traffic movements which would be detrimental to highway safety. The access has historically been used for small holding activities on site and as such would likely have supported larger vehicles, possibly with trailers, than a residential property would generate.

13.5 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.

13.6 No objections are raised in terms on this basis and the proposal complies with DP9 and DP10 of the Local Plan Part 1.

Refuse Collection:

14.1 There is adequate space on site for the provision of storage for waste and recycling bins and the waste and recycling statement provided states that there is adequate space for refuse lorries to pull in at the access to empty the containers.

Environmental Impact Assessment

15.1 This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Equalities Act

16.1 In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Conclusion and Planning Balance:

17.1 Paragraph 11 of the NPPF sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining the application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Given the lack of a five-year housing land supply, paragraph 11 d) of the Framework is engaged.

17.2 The benefits of the proposal of 1 dwelling would make very little contribution to assisting the Council's shortage of housing land within the District as a whole. There would be benefits with regard to the provision of an additional dwelling adding to the housing supply, benefits from construction, potential for the creation of jobs, but given the very limited scale of the proposal, the benefits from the provision of one additional dwelling and from construction would be limited. There are also obvious benefits of agricultural production, but not, in this case, reliant on the needs for a dwelling.

17. 3 Having regard for the assessment above, the proposal is not essential to support or sustain the functioning of the existing rural enterprise nor is there an essential need for a worker to live permanently on site.

17.3 The site is seen as being isolated and remote from any day-to-day facilities or services. The scheme would not promote the use of sustainable modes of transport and end users would be heavily reliant on a private motor vehicle, and without an essential need to allow a dwellinghouse in this isolated rural location, the proposal would also be harmful to the rural character and appearance of the area and wider landscape, failing to preserve the character of the countryside for its own intrinsic value. These are matters that should be given significant in completing the planning balance assessment as directed in the NPPF guidance at 11 d) ii.

In terms of the planning balance, the harms as described are considered to carry a significant level of weight which demonstrably outweighs the very limited benefits of the proposal, and the application is therefore recommendation for refusal.

Recommendation for refusal as follows.

18.1 The application fails to demonstrate that there are any special circumstances such as functional or essential need to allow a dwellinghouse in this isolated rural location, neither permanent nor temporary accommodation. The proposal represents unsustainable development in an isolated rural location which fails to promote the use of sustainable modes of transport with the end users being heavily reliant on the use of a private motor vehicle. Without an essential need to allow a dwellinghouse in this isolated rural location, the proposal would also be harmful to the rural character and appearance of the area and wider landscape, failing to preserve the character of the countryside for its own intrinsic value. In terms of the planning balance, the harms identified carry a significant level of weight which demonstrably outweigh the very limited benefits of the proposal. The proposed development is therefore, contrary to the provisions of Policies CP1, CP2, CP4, DP1, DP4, DP7, DP9 and DP13 of the Mendip District Local Plan 2006-2029 and guidance within the National Planning Policy Framework – December 2024 to include paragraphs 11d)ii), Chapters 5 and 9.