

Application Details	
Application Reference Number:	32/22/0004
Application Type:	Outline Planning Permission
Earliest decision date:	18 November 2022
Expiry Date	22 December 2022
Extension of time	31/03/2023
Decision Level	Committee
Description:	Application for Outline Planning with all matters reserved, except for access, for the erection of 1 No. agricultural workers dwelling on land to the south east of Home Farm, Breach Hill, Sampford Arundel
Site Address:	LAND TO THE SOUTH EAST OF HOME FARM, BREACH HILL, SAMPFORD ARUNDEL, TA21 9QN
Parish:	Sampford Arundel
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	Quantock Hills/ Blackdown Hills
Case Officer:	Denise Todd
Agent:	
Applicant:	AF & RD TUCKER & SONS
Committee Date:	16 May 2023
Reason for reporting application to Committee	Called to committee by Chairman who considers that the development meets the requirements of Policy H1a

1. Recommendation

1.1 That permission be REFUSED

2. Executive Summary of key reasons for recommendation

2.1 The proposed development has failed to comply with policy H1a (d), as details have been submitted to demonstrate that *“there is other existing accommodation in the local area which is suitable and available for occupation by the workers concerned. “*

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1) N/A

None as the recommendation is to refuse

3.2 Informatives (bullet point only)

None

3.2.1 Proactive Statement

3.3 Obligations - N/A

4. Proposed development, site and surroundings

4.1 Details of proposal

The proposal is an outline application with all matters reserved, except for access, for the erection of No.1 agricultural workers dwelling on land to the south east of Home Farm, Breach Hill, Sampford Arundel.

4.2 Sites and surroundings

The development site is to the south east of the existing non-tied farm house (Home Farm), on the edge of the hamlet of Sampford Arundel, outside of any defined settlement boundary in a countryside location.

To the rear are existing agricultural buildings and to the east are fields.

There is an existing farmhouse associated with the farming enterprise however that dwelling is occupied by elderly relatives and has no agricultural tie.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
32/21/0005	Erection of a general purpose agricultural building at Home Farm, Breach Hill, Sampford Arundel	Conditional Approval	24 Jan 2021
32/22/0002/ENQ	Erection of a permanent agricultural workers dwelling at Home Farm, Breach Hill, Sampford Arundel	Advice provided	13 July 2022

6. Environmental Impact Assessment - N/A

7. Habitats Regulations Assessment – Not submitted

8. Consultation and Representations

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

8.1 Date of consultation: 28 October 2022

8.2 Date of revised consultation (if applicable):

8.3 Press Date: 28 Oct 2022

8.4 Site Notice Date: 06 Nov 2022

8.5 **Statutory Consultees** the following were consulted:

Consultee	Comment	Officer Comment
SAMPFORD ARUNDEL PARISH COUNCIL	This application was considered at our meeting on Tuesday and Councillors are in support of this proposal.	Email dated 3 November 2022, however Case office only received on 22 March 2023 - see paragraph 10.1.1
SCC - ECOLOGY	No objection subject to conditions: - <ul style="list-style-type: none">• Retention of hedgerows and trees• Lighting for bats• Excavations over 1m should not be left uncovered overnight (badgers)• Enhancements as set out in the ecology report shall be adopted and implemented.	Application recommended for refusal therefore no conditions required on ecology grounds
SCC - RIGHTS OF WAY	No Objection Confirmed that there is a public right of way (PROW) recorded on	Application recommended for refusal therefore no requirement for an

	<p>the Definitive Map that runs along the proposed access to the site (public footpath WG 10/1) at the present time.</p> <p>1. Specific Comments The local planning authority needs to be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along path WG 10/1.</p> <p>2. General Comments Any proposed works must not encroach onto the width of the PROW. The following bold text must be included as an informative note on any permission granted.</p>	informative regarding encroachment on to the public right of way
SCC - TRANSPORT DEVELOPMENT GROUP	Standing Advice applies	See para 10.1.3
WESSEX WATER	No objection subject to informative regarding new connections	Application recommended for refusal therefore no requirement for an informative regarding new connections
LANDSCAPE	N/A	

8.6 Internal Consultees the following were consulted:

Consultee	Comment	Officer comment
Monument ward District Councillor	<ul style="list-style-type: none"> • I wish that this application be put to the appropriate committee (I say appropriate given the current Local Government reorganisation) for consideration there. • The Parish Council have contrary views and has expressed its support 	See Para 10.1.9

	<p>for this application to you.</p> <ul style="list-style-type: none"> • I also have contrary views having viewed the planning portal content, having considered SWT planning policy and the facts available to me and at this time. • I would therefore request this application be decided by a planning committee. • I draw particular attention to the veterinary letters that draws attention to the welfare needs of the 500 plus animals at the farm. • There is a clear and unequivocal need for "sight and sound" on-site presence as highlighted by the Vet. 	
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8.7 Local representations

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

One letters have been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer Comment
N/A	
Support	Officer comment
Parish Councillor - <i>that Mr A Tucker and his family have farmed in the village for probably over 100 years and the proposed property is to house a fourth</i>	See paragraph 10.1.9

<i>generation member who needs to live on site to care for the stock day and night all year round. The proposed property will be at the side of the current farmhouse and will not be out of keeping with the area".</i>	
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8.7.1 Summary of objections - non planning matters

None

8.7.2 Summary of support - non planning matters

None

9. Relevant planning policies and Guidance

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 indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day

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

CP8 - Environment,

SD1 - Presumption in Favour of Sustainable Development

SP1 - Sustainable Development Location

DM1 - General requirements

DM2 - Development in the Countryside
CP1 - Climate Change
CP2 - Economy
SB1 - Settlement Boundaries
A1 - Parking Requirements
H1a - Permanent housing for rural worker

Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022).

Neighbourhood plans: N/A

9.1 National Planning Policy Framework

10. Material Planning Considerations

This application follows on from pre-planning application advice that concluded as follows:-

Conclusion

There is insufficient evidence submitted in the pre-application advice enquiry to confirm if a permanent workers dwelling would be supported for this site under policy H1a.

The location of the dwelling, subject to the principle of a rural workers dwelling being accepted, should be in the orchard area adjacent to the existing Farmhouse (non-tied dwelling) so that it is adjacent to the village settlement boundary. This would site the proposed dwelling within the existing farm complex.

The following issues are considered to be of relevance in the determination of this application:

- Principle of development
- Function/Financial Requirements
- Impact on amenities of adjoining residential occupiers
- Highway safety, traffic generation, turning and parking
- Any other material planning considerations

As the proposal is an outline application issues of design and scale would be dealt with at reserve matters stage.

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

10.1.1 The principle of development

The proposal relates to a site outside of any defined settlement boundary and within a countryside location as defined by Policy SP1 and therefore the principle of development will be subject to the proposal successfully addressing Policies SB1 and H1a of the Site Allocations Development Management Plan (SADMP) which requires further assessment against policies SP1, CP1 and CP8 of the Core Strategy.

Policy SP1 defines sustainable development locations and clearly states that 'outside of the settlements identified above, proposal will be treated as being within Open Countryside'. The location for this proposal is not identified within SP1 as a major or minor rural centre, nor it is one of the villages listed that retain settlement boundaries and have no further allocations made though the site allocations and development management DPD, but some scope for small scale proposals. The proposal is therefore considered to be in the open countryside.

Policy SB1 seeks to maintain the quality of the rural environment and ensure a sustainable approach to development, proposals outside of the boundaries of settlements identified in the Core Strategy policy SP1 will be treated as being within open countryside and assessed against Core Strategy policies CP1, CP8 and DM2 unless:

A It accords with a specific development plan policy or proposal: or

B Is necessary to meet a requirement of environmental or other legislation; and in all cases, is designed and sited to minimise landscape and other impacts.

The proposal is an outline planning application for an agricultural workers dwelling therefore the requirements of policy H1a will need to be met in full in order to overcome the issue of location.

Policy CP1 deals with Climate Change and requires that 'development proposals should result in a sustainable environment and will be required to demonstrate that the issue of climate change has been addressed by:

a. 'Reducing the need to travel through locational decisions and where appropriate, providing a mix of uses' and/or

h.' Impact on the local community, economy, nature conservation or historical interests does not outweigh the economic and wider environmental benefits of the proposal.'

The location is in the countryside in an area that relies on the private motor vehicle rather than public transport, which offers a poor service. The proposal is however for an

agricultural workers dwelling on an established farming unit, therefore subject to meet the criteria of policy H1a, the proposal is considered to meet the requirements of CP1 as the accommodation would allow a n agricultural worker to resident on site.

Policy CP8 further reinforces this authority's aims of protecting the environment from development in locations outside of settlement boundaries. The proposal is for an agricultural workers dwelling on an established farming unit. The design of the dwelling would be addressed at Reserved Matters stage and would need to ensure that the proposal protected, conserved or enhanced the village setting. Planning conditions regarding landscaping to mitigate the proposal and details of boundary treatments to ensure the rural location was respected would be considered necessary to protect the proposals appearance and setting. The country ecologist has requested conditions regarding the retention of hedgerows and trees, lighting for bats, protection of badgers and bio-diversity net gain.

The proposed development is therefore considered, subject to the above conditions capable of complying with policy CP8, subject to meeting the criteria of policy H1a.

Policy DM2 does not offer support for new residential dwellings of any type in countryside locations however Policy H1a of the SADMP address 'Permanent housing for rural workers'. The proposed dwelling would be located adjacent to the existing farmhouse and to the fore of existing agricultural buildings. A planning restriction to ensure that the occupant was a person solely of mainly working or last working in agriculture or in forestry, or a widow or widower of such a person and to any resident dependant's, would be considered necessary to ensure the proper use of the proposed dwelling. If approved a further condition restricting the size of the dwelling should also be considered as necessary. This would ensure the dwelling would be commensurate with the functional requirements set out in policy H1a.

The proposed development could therefore be considered acceptable in general planning term subject to meeting the requirements of policy H1a.

Policy H1a - Permanent housing for rural workers

Policy H1a sets out the criteria for new permanent housing for rural workers. The policy makes clear that development will only be allowed to support existing activities on well-established units where:

- A There is a clearly established existing functional need;
- B The need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- C The unit and the activity concerned have been established for at least three years, has been profitable for a t least one of them, are currently financially sound, and has a clear prospect of remaining so;

- D The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the local area which is suitable and available for occupation by the workers concerned; and
- E Other planning requirements, including definition of domestic curtilage, siting and access and impact on the countryside are satisfied.

The policy further states '*Where the above criteria can be satisfied by an applicant, new dwellings will be of a size commensurate with the established functional requirement. Occupancy conditions will be applied to new permanent dwellings.*

Applications to remove these or other related conditions will not be permitted unless: -

- *The dwelling is no longer needed on that unit for the purposes of agriculture or other rural based enterprises;*
- *There is no current demand for dwellings for agriculture or other rural based industrial in the locality; and*
- *The dwelling cannot be sold or let at a price which reflects its occupancy condition for a reasonable period to be agreed with the local planning authority'*

A - Is there a clearly established functional need?

Regarding the location of the proposed development, the justification for the relevant planning policy H1a, does not refer to the need for agricultural workers dwellings to be within sight and sound of the animals. It does state in paragraph 1.3.3 that "*The Council will need to be satisfied that applications can established a functional need for a dwelling to be provided related to the proper functioning of the enterprise. Examples of where such a need may arise may include workers needing to be on hand day and night in order that essential care is provided to animals or agricultural processes at short notice; or, where there is a need to deal quickly with emergencies which could otherwise cause serious loss of crops or products. On this basis, for the purpose of criterion D, the 'local area' shall be defined as being within a 10-15 minute drive time*"

Furthermore paragraph 1.3.4 states that "***The protection of livestock from theft or injury may contribute to the need for an agricultural workers dwelling but will not by itself be sufficient to justify it.***"

To clarify policy H1a does not require agricultural workers dwellings to be within sight and sound of the animals being farmed, but identifies a 10-15 minute drive time as the 'local area' within which accommodation should be located. As stated elsewhere in this report details of other available accommodation within the 'local area' has been submitted, of a price that is considered suitable for purchase by an agricultural worker.

The original submission of the planning application (29 Sep 2022) contained a Statement from Mount Vets, which explained the working of the farming enterprise and then stated "*For the reasons given above **it would be wise** to have at least one but preferably two experienced workers living full at Home farm or immediately adjacent to the site to allow for quick intervention should it be needed*".

On learning that the recommendation was for the application to be refused, due to the proposal non-compliance with policy H1a, D, the vet sent a second letter of support, dated 28 Feb 2023 stating " *I would like to finish by clearly stating that this building is **essential** to the future success of this business and welfare of the animals within it*".

The functional need for the dwelling can therefore be satisfied by other available accommodation, within a 10-15 minute drive as demonstrated by the agents submitted 'Alternative Accommodation Assessment'.

B - The need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement.

The agricultural appraisal confirmed that the dwelling would be occupied by a full-time worker employed by the business as Head Herdsman, (currently Mr Sam Tucker, grandson of Mr A Tucker)

The enterprise has been assessed in accordance with the standard man day calculations and assessed against the figures proposed in the agent's calculations at appendix C, which confirm that the needs of the business relate to at least 9.38 full time workers to service the existing business and therefore there is not a part time requirement. There is a need for 6.96 full-time workers solely to manage the livestock on the farm.

C - The unit and the activity concerned have been established for at least three years, has been profitable for at least one of them, are currently financially sound, and has a clear prospect of remaining so;

The financial records have been submitted from Wheelers Accountants who confirm that the Accounts are from the most recent three accounting years. The business is considered to be well established and consistently profitable. The financial accounts for the business for the past 3 years have been provided and show the business has been profitable for the last three years.

D - Can functional need be fulfilled by another existing dwelling on the unit or any other accommodation in the area which is suitable and available for occupation by the workers concerned?

The Agricultural Appraisal consistently refers to the need for the applicant to be

within sight and sound of the herd, however the justification for policy H1a D states in paragraph 1.3.4 that *“The protection of livestock from theft or injury may contribute to the need for an agricultural workers dwelling but will not by itself be sufficient to justify it”*.

Furthermore the functional need is explained in H1.a D as *‘The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the local area which is suitable and available for occupation by the workers concerned.’* Paragraph 1.3.3 clearly states that *‘for the purpose of criterion D, the local area shall be defined as being within a 10-15 minute drive time.’*

The agent has submitted an ‘Alternative Accommodation Assessment’ to address the requirements of H1a D, within which they have outlined ‘Requirements of Accommodation’ as follows:-

- a) Must be available and at a price affordable for a farm worker
- b) Must provide car parking space to enable a farm worker to travel to work
- c) “workers needing to be on hand day and night in order that essential care is provided to animals or agricultural processes at short notice”
- d) Must be able to “deal quickly with emergencies which could otherwise cause serious loss of crops or product

The assessment includes data from a search on Rightmove, dated 31/01/2023, for properties within 5 miles (10-15 minute drive time) of Sampford Arundel for properties with a maximum asking price of £150,000. The submitted results show 2 x two-bedroom properties with an asking price of £130,000 as being available. The agent has however discounted both properties as they did not meet a), c) and d) of the above requirements.

The matter of affordability for an agricultural worker was discussed with a member of staff, who has recently worked in the private sector. It was considered reasonable for an agricultural worker to be able to purchase a dwelling of £130,000, therefore the properties do meet a) of above 'requirement' criteria.

One of the properties had communal parking, whilst the other would be reliant on on-road parking, therefore both properties can meet criteria b).

Criterion c), the need for a worker to be on hand day and night is a criteria set by the agent/applicant, and not one supported by relevant planning policy.

The justification for policy H1a, clearly states in the paragraph 1.3.3. *“The Council will need to be satisfied that applications can established a functional need for a dwelling to be provided related to the proper functioning of the enterprise. Examples of where such a need may arise may include workers needing to be on*

*hand day and night in order that essential care is provided to animals or agricultural processes at short notice; or, where there is a need to deal quickly with emergencies which could otherwise cause serious loss of crops or products. **On this basis, for the purposes of criterion D, the 'local area' shall be defined as being within a 10-15 minute drive time.***

Paragraph 1.3.4 further clarifies that "*The protection of livestock from theft or injury may contribute to the need for an agricultural workers dwelling but will not by itself be sufficient to justify it.*"

The proposed development therefore has no planning policy support regarding criterion c) above.

Part d) of the agents/applicants criterion relates to quickly dealing with 'emergencies which could otherwise cause serious loss of crops or product' however as stated above policy H1a D, defines a 10-15 minute drive time as 'local area' sufficient to deal with such emergencies.

The submitted 'Alternative Accommodation Assessment' has therefore demonstrated that the functional need can be fulfilled by "*other existing accommodation in the local area which is suitable and available for occupation by the worker concerned*".

E - Other planning requirements, including definition of domestic curtilage, siting and access and impact on the countryside are satisfied.

The site is served by an existing access to the west of Home Farm, that leads into and through the farmyard to the development site.

This is an existing arrangement and the visibility in both directions from the access onto the public highway, appears to be acceptable.

There appears to be sufficient space on site for the turning and parking of vehicles so that they can join the highway in a forward gear however this would be a matter for the Reserve Matters application. Traffic movements will increase, although there is already a number of vehicle movements associated with existing operations. Any increase in vehicle movements is deemed to be minimal and therefore acceptable. The proposal is considered capable of meeting the requirements of policies H1a (e) and A1 of the SADMP

The siting and domestic curtilage would be assessed at the Reserve Matters stage.

Further Material Considerations

Has the need for the dwelling arisen due to a recent subdivision of the holding

and or recent disposal of a dwelling from the holding?

The dwelling that is associated with the farming unit has no agricultural tie and will continue to be occupied by family members who are part-owners of the farming enterprise.

Is the dwelling in keeping with the character of the area in terms of scale, design and materials, and is it commensurate with the functional need?

This is an outline application with all matters reserved and therefore the LPA could be satisfied following submission of reserved matters that the size and scale of the proposed dwelling would be commensurate with the functional need, if the proposed development was to be approved. It is usual to remove 'Permitted Development' rights from an agricultural workers dwelling in order to ensure that the dwelling remains of an acceptable size and scale and commensurate with the functional need of the agricultural enterprise.

Neighbour Amenity – The nearest neighbour is the existing farmhouse which is adjacent to the proposed development. The design of the proposed dwelling would need careful consideration at the Reserve Matters stage to ensure there is no overlooking and the existing levels of private amenity remained.

Ownership - In the submitted agricultural appraisal, the agent has confirmed the business is a mixed farming enterprise consisting of dairy, beef, sheep, and arable operations and that it is jointly owned by four family members; AF & RD Tucker & Sons. The enterprise is made-up of 263 hectares (121.5 hectares rented and 141.5 hectares owned).

Highway safety - The highway authority has stated that their Standing Advice should be applied therefore conditions, if the proposed development was to be approved, would be required to address the level of parking provision which should be kept free of obstruction and possible entrance gates.

Parish Council comments – The Parish Council submitted comments on 3 November 2022, however these comments were not received and therefore not placed on the file or website. The reason for this is not known, and this issue has only recently been raised. The comments stated "*Councillors are in support of this proposal*", however the Parish Council did not include any valid or relevant planning reasons for their support, which could be addressed within this report.

It should be noted that as a result of this discrepancy two councillors have emailed to confirm the Parish Council comments, whilst two others have emailed their support.

10.1.2 Design of the proposal

The design, scale and materials of the proposed dwelling would be addressed under a Reserve Matters application.

10.1.3 Access, Highway Safety and Parking Provision

The recommendation is to refuse the proposal due to non-compliance with policy H1a d) therefore no conditions regarding highway safety and parking requirements are required.

10.1.4 The impact on neighbouring residential amenity

The proposed dwellings impact on character, appearance and neighbouring residential amenity would be considered if/when a Reserve Matters application is submitted.

10.1.5 The impact on trees and landscaping

If the application is approved the county ecologist has requested a condition for the retention of hedgerows and trees. There is no objection to this requested which is considered to be reasonable and necessary.

10.1.6 The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site.

An NNA has been received and is under consideration, however if found to be acceptable it would not overcome the reason to refuse the proposed development which relates to policy H1a d) and the availability of existing accommodation in the local area.

The county ecologist has requested condition for the retention of hedgerows and trees, lighting for bats, uncovered excavations and enhancements as per the submitted ecology report. If planning consent was to be granted then these conditions would need to be included as they are considered to be both necessary and relevant.

10.1.7 Waste/Recycling facilities

This would be considered at the Reserve Matters stage if planning consent was obtained.

10.1.8 Flood risk and energy efficiency

The site is within Flood Zone 1 and therefore not considered to be at risk of flooding.

The matter of energy efficiency would be considered at Reserve Matter stage subject to this proposed development gaining planning consent.

10.1.9 Any other matters

There was an issue with the Parish Councils comments dated 3 November 2022

which were not received in this office until 22 March 2023, therefore two of the parish councillors emailed in to confirm the comments.

In addition to the above a councillor confirm *“that Mr A Tucker and his family have farmed in the village for probably over 100 years and the proposed property is to house a fourth generation member who needs to live on site to care for the stock day and night all year round. The proposed property will be at the side of the current farmhouse and will not be out of keeping with the area”*.

There is no contention that the proposed development would meet the financial test of policy H1a, however the agent has demonstrated that there is other available accommodation that would meet criteria D of that policy. It is unclear as to how the proposed dwelling would not be out of keeping with the area, as the design, scale and materials of the proposed dwelling would be a matter for a Reserved Matters planning application.

Furthermore, another councillor has requested that as the recommendation is to refuse the proposed development, the application is heard by the planning committee. They considered that due to Local Government Reorganisation this would be an appropriate course of action. They have confirmed that as a District Councillor, their view is contrary to the officer recommendation. The Councillor has viewed the planning portal content, considered SWT planning policy and the available facts and therefore request this application be decided by a planning committee. The Councillor has drawn the officers attention to the second veterinary letters and the *"clear and unequivocal need for "sight and sound" on-site presence as highlighted by the Vet."*

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Creation of a dwelling is CIL liable regardless of size and the proposed development measures approximately 173 sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £21,750.00. With index linking this increases to approximately £30,500.00.

12 Planning balance and conclusion

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of

permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "*clear reason for refusing the development proposed*" or where the benefits of the proposed development are "*significantly and demonstrably*" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore reluctantly recommended that planning permission is refused as it has been demonstrated that there is other available accommodation within the 'local area', a 10-15 minute drive time, for occupation by the workers concerned and therefore contrary to policy H1a D.

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 – Reason/s for refusal

- 1 The site lies in a countryside location, where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine appropriate rural need. There is a farming business being operated from the site with an associated dwelling that has no occupancy restriction. It has however demonstrated that there is other available accommodation within the 'local area', a 10-15 minute drive time, for occupation by the workers concerned and therefore contrary to Policy H1a D of the Taunton Deane Adopted Site Allocations and development Management Plan 2016. The scheme therefore represents an unjustified dwelling outside of settlement limits, increasing the need to travel by private car. As such, the proposal is contrary to Policies CP1 and SP1 of the Taunton Deane Core Strategy and Policy H1a of the Site Allocations and Development Management Plan.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council has worked in a positive and creative way with the applicant and entered into pre-application discussions to enable the grant of planning permission. However, in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

