Officer Report On Planning Application: 22/03247/FUL

Site Address:	Tinkers Bubble Little Norton Norton Sub Hamdon
Ward :	HAMDON
Proposal : **CIL Liable = Y**	Seeking Permanent Permission for Existing Development of and Residential Status for Low-Impact Off-Grid Community and Associated Agricultural Enterprises.
Recommending Case Officer:	Colin Begeman (Principal Specialist)
Target date/Ext of time	17th January 2023
Applicant :	Mr Alex Toogood
Type : 10	Minor Other less than 1,000 sq.m or 1ha

Delegation
This application can be approved subject to conditions under the Scheme of Delegation as there are no contrary views to that of the case officer's recommendation.

Site Description and Proposal
This application seeks Permanent Permission for Existing Development of and Residential Status for Low-Impact Off-Grid Community and Associated Agricultural Enterprises.
The application site extends across approximately 16 hectares of woodland and agricultural land with the accommodation located towards the crested of a wooded hill and the timber / agricultural activities being carried out mainly within a secluded valley on the south side of the side.

The site is within flood zone 1 and forms part of a designated wildlife site, Norton Covert (a mixed woodland site), and is also designated ancient woodland. It is a short distance from Hamdon Hill Camp, a scheduled ancient monument (SM) and is immediately adjacent to Ham Hill Country Park. There are numerous public rights of way in the vicinity including a bridleway that passes along the east boundary and footpaths around the north and west.

The site is accessed via Little Norton Lane, a narrow single track unclassified highway, to the south. There is a conservation area a short distance to the west in Little Norton. The nearest neighbouring residential property is Highwood Farm which is on the opposite side of Little Norton Lane.

Planning History
15/05391/FUL- Erection of an apple pressing facility and temporary permission for low impact settlement associated with agricultural and forestry enterprise to include erection of structures for living accommodation. Approved

04/01235/COU: Renewal of temporary permission for low impact settlement associated with agricultural and forestry enterprise to include erection of timber structures for living accommodation, saw mill barn, dairy, field shelter and two polytunnels. Approved.

98/01651/COU: Use of land for low impact sustainable settlement associated with agricultural and forestry business. Approved.

94/01758/FUL: Use of land for the siting of seven low impact experimental dwellings (tents). Refused.

Planning Policy and Guidance

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2 and 47 of the NPPF, state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006-2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ2 - General Development
EQ3 - Historic Environment
EQ4 - Biodiversity

EQ5 - Green Infrastructure
EQ6 - Woodland and Forestry
EQ7 - Pollution Control

National Planning Policy Framework (as revised)

Part 1 - Building a strong, competitive economy
Part 3 - Supporting a prosperous rural economy
Part 4 - Promoting sustainable transport
Part 6 - Delivering a wide choice of high-quality homes
Part 7 - Requiring good design
Part 8 - Promoting healthy communities
Part 10 - Meeting the challenge of climate change, flooding and coastal change
Part 11 - Conserving and enhancing the natural environment
Part 12 - Conserving and enhancing the historic environment

Consultations
Norton sub Hamdon Parish Council
Fully support the application and no objection
County Highways
Standing Advice
Rights of Way Team
No objection
Environmental Health:
No objection
Representations
35 Letters of support:

OFFICER REPORT

Principle of Development
Temporary planning permission was first granted in 1999 for the use of this site as a low impact community based on agricultural and forestry activities, since then a further temporary permission was granted in 2016 to permit the use to continue for a further 10 years. After operating for 24 years on a temporary basis this application seeks to operate on a permanent basis.

Since the 1999 application the community has become well established on this site and whilst financial sustainability remains difficult it was clear when visiting the site that it continues to operate based on the same ethos as that on which it was originally founded, incorporating low impact agriculture and forestry activities with an emphasis on self-sufficiency. On this basis it is accepted that the special circumstances for which this use was originally granted continues and the principle of permitting a permanent permission is acceptable.

The Parish Council are supportive of this application and there are no letters of objection from the wider public and 35 letters of support.

There are also no objections from the consultees that have responded. It is noted that on previous applications the local lead flood authority requested a condition to secure a detailed surface drainage scheme, however, given the history of the site and its low impact nature such a condition is considered to be unduly onerous, instead a condition to prevent the discharge of foul or contaminated drainage (which was imposed as part of the previous permission) is proposed and considered appropriate in order to safeguard against potential contamination concerns.

The current proposal seeks to increase the maximum number of structures associated with the enterprise from 20 to 24 buildings with the residential element of the 24 buildings remaining at 14. It is understood that the increase in the number of permitted ancillary buildings is in order to allow for future small scale infrastructure provision as need and opportunity allows. Anticipated developments include further tool storage and food processing areas, to be located close to the existing structures within the Residential Zone. The previous permission permitted a maximum of 16 adults to reside on site and this application does not seek to alter this. The residential zone on site is situated in amongst woodland and is well screened from any public vantage points. Provided the additional structures are of the same non permanent and sustainable construction as those existing it is accepted that there should be little visual or environmental impact resulting from this increase in accommodation.

Government guidance on the use of conditions states that: It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if

there is clear justification for doing so.

It is considered the temporary permission has given sufficient time to assess that the low impact development has achieved its aims of having an acceptable impact on the county wildlife site.

Taking into account the number of years that tinkers Bubble has operated without harm to either the character of the area or to the local community that permanent permission should be granted for the continuation of this low impact community is considered to be appropriate.

The supporting statement references that the Residences and Ancillary Communal Buildings within the residential area, as shown in blue on the site layout plan, will not exceed 600 sqm it is therefore considered that a condition to restrict the overall floor area of the buildings with in the area to 600 sqm and restrict the use of the buildings to activities relating solely to the holding is considered appropriate to ensure that its use does not lead to impacts that might harm the rural amenities of the locality is necessary.

RECOMMENDATION
To approve subject to conditions.

01. The proposed development, by reason of its special low impact nature, siting, scale, layout and design, is considered to be an appropriate form of development that should have little impact upon the historic or natural environment or the rural amenities of the area and should not result in any demonstrable harm to residential amenity or visual amenity and to therefore represent a sustainable form of development that accords with the aims and objectives of policies SD1, TA5, TA6, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

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

    Location Plan - received 04/12/2022
    Layout Plan (detailing the different zones) - received 04/12/2022
    Coloured Site Plan - received 04/12/2022
    Residents' Agreement - (Revised: October 2022)
    Management Plan - 2015 - 2025
    Forestry Management Plan - 16/11/2022

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

02. An up to date site management plan shall be made available to the Local Planning Authority on request to accord with the content of the management plan 2015-2025. Details as may be agreed shall be carried out to a time schedule as agreed in writing by the Local Planning Authority and thereafter managed in accordance with the details of the management plan.

    Reason: To enable the Local Planning Authority to retain control over the site in the interests of neighbour and countryside amenity, further to policies EQ2, EQ4 and EQ6 of the South Somerset Local Plan.

03. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ ditches.

    Reason: To prevent pollution of the water environment in accordance with policy EQ7 of the South Somerset Local Plan.

04. The residential structures, ancillary buildings and tents on the site, shall not be sited other than within the areas identified on the submitted plans and in the case of the residential area (coloured blue on approved drawing) shall number no more than 24 separate structures housing a total of no more than 16 adults at any one time or exceed 600 sqm floor area.

    Reason: In order to determine the scope of the permission and to safeguard the visual amenities of the area.

05. No structures, buildings or tents other than those hereby approved, shall be sited, constructed or retained on any part of the site without the prior grant of planning permission.

    Reason: In order to determine the scope of the permission and to safeguard the visual amenities of the area.

06. Noise from amplified or live music or other public address systems used in connection with the use hereby permitted shall not be audible beyond the boundary of the application site.

Reason: In the interests of the amenities of the area and to prevent nuisance from noise in accordance with policy EQ2 of the South Somerset Local Plan

07. No more than 3 road going vehicles shall be operated from the site.

Reason: In the interests of the amenities of the area and its open countryside location to accord with policies SD1, TA5 and EQ2 of the South Somerset Local Plan.

Informatives:

01. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

Case Officer Signed **:……..**

Date **:……./……./20…….**

Agreed: **YES/NO**

Senior Officer Signed: **:……**

Date **:……./……./20…….**