

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT, 1990. (AS AMENDED)



Applicant

Mrs Nethercott
Home Farm Holiday Centre
St Audries Bay
West Quantoxhead
Taunton
TA4 4DP

Date Registered 19/03/2018

Application No 3/38/18/002

Application Type Full Planning Permission **Parish** West Quantoxhead

Grid Reference: Easting: 310535 Northing: 142965

Description of Proposal

Change of use of land to footpath as part of England Coast Path National Trail (retention of part works already undertaken)

Location of Site

Home Farm Holiday Centre, The Belt, West Quantoxhead, TA4 4DP

Planning Permission is granted subject to the following 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:

(A4) Location Map
(A4) Red line Plan
(A4) Land Ownership Plan
(A4) Site Plan

WEST SOMERSET COUNCIL

West Somerset House Killick Way Williton Taunton TA4 4QA

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E customerservices@westsomerset.gov.uk W www.westsomersetonline.gov.uk

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

Notes

STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the design/nature of the submitted scheme. No substantive issues were raised by consultees through the application process. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

The following policies from the West Somerset District Local Plan were taken into account when arriving at this decision:

POLICY SD1: Presumption in favour of Sustainable Development

When considering development proposals the decision maker will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social, historic and natural environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the decision maker will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or

Specific policies in that Framework indicate that development should be restricted.

POLICY SC1: Hierarchy of Settlements

1. New development will be concentrated in the District's main centre, Minehead/Alcombe, and in the rural service centres of Watchet and Williton, this will be on a scale generally proportionate to their respective roles and functions to their own communities and those in surrounding settlements that rely on their larger neighbours for essential services and facilities.
2. Limited development in the primary villages: Bicknoller, Carhampton, Crowcombe,

Kilve, Stogumber, Stogursey, West Quantoxhead and Washford, will be permitted where it can be demonstrated that it will contribute to wider sustainability benefits for the area.

3. At the secondary villages: Holford, Dunster Marsh, Brompton Ralph, Battleton and Brushford, small scale development will be permitted where it can be demonstrated that it will contribute to wider sustainability benefits for the area.
4. Development within or in close proximity (within 50 metres) to the contiguous built-up area of Minehead/Alcombe, Watchet, Williton and primary and secondary villages will only be considered where it can be demonstrated that:
 - A. It is well related to existing essential services and social facilities within the settlement, and;
 - B. There is safe and easy pedestrian access to the essential and social facilities within the settlement, and;
 - C. It respects the historic environment and complements the character of the existing settlement, and;
 - D. It does not generate significant additional traffic movements over minor roads to and from the National Primary and County Highway route network
 - E. It does not harm the amenity of the area or the adjoining land uses.Development elsewhere in the open countryside will be considered under Policy OC1.

POLICY EC8: Tourism in settlements

Tourism development which increases the range of open air and wet weather attractions/ activities within existing settlements will be encouraged subject to an appropriate location for the use proposed and appropriate proposals for the management of:

- Parking,
- Amenity impact, and;
- Accessibility

Subject to the provisions of clauses A to E of Policy SC/1

POLICY TR1: Access to and from West Somerset

Proposals for development must encourage the use of sustainable modes of transport within and between West Somerset's communities and travel to and from communities outside the Local Plan area through the provision of travel plans, travel plan statements or measures-only travel statements in accordance with the current thresholds adopted by Somerset County Council.

POLICY CF1: Maximising access to health, sport, recreation and cultural facilities

The provision of new, and improvement of existing, health, sport, recreation and cultural facilities will be supported, where this helps to strengthen and/or enhance a balanced range of provision for local communities and visiting tourists.

The unnecessary loss of valued services and facilities should be prevented, particularly where this would reduce the community's ability to meet its day to day needs.

Where a development proposal would result in the loss of such facilities, equivalent or greater replacement facilities serving the same area must be provided as part of the proposals.

The appropriate provision of formal sports facilities and/or informal public amenity open space/ play space will be required as an integral part of new development.

POLICY CF2: Planning for healthy communities

In order to help address the causes of ill health and maximise the benefit which spatial planning can provide in shaping healthy communities, development proposals should be designed in order to maximise the attractiveness of walking and cycling as means of making journeys to local services and facilities, and also to encourage recreational walking and cycling. Provision for disability access is also to be encouraged.

A health impact assessment will be required for all strategic development proposals.

POLICY NH1: Historic environment

Proposals for development should sustain and/or enhance the historic rural urban and coastal heritage of the District whilst contributing appropriately to the regeneration of the District's communities, particularly those elements which contribute to the areas distinctive character and sense of place:

- 1 Proposals will be supported where the historic environment and heritage assets and their settings are sustained and/or enhanced in line with their interest and significance. Planning decisions will have regard to the contribution heritage assets can have to the delivery of wider social, cultural, economic and environmental objectives.
- 2 Elements of the historic environment which contribute towards the unique identity of areas and help create a sense of place will be sustained and, where appropriate, enhanced.

POLICY NH5: Landscape character protection

Within the identified landscape character areas, as shown in figure 2, development should be located and designed in such a way as to minimise adverse impact on the quality and integrity of that local landscape character area.

POLICY NH9: Pollution, contaminated land and land instability

- Development that generates atmospheric emissions which would cause harm to human health, senses or property will not be permitted and where such uses exist the Local Planning Authority will not permit sensitive other uses within a reasonable distance of such uses.
- Proposals for development involving potential noise nuisance to existing occupiers or land or buildings will only be permitted when measures to minimise the impact of noise likely to be generated are incorporated as part of the development.
- Proposals for noise-sensitive developments, typically housing, hospitals and schools, will not be permitted where:
 - An unacceptable level of nuisance arises from existing sources of noise (eg from road traffic, railways, industrial and commercial developments, recreational and sporting activities).
 - There is potential for an unacceptable level of nuisance by the increase in the existing level of noise, unless appropriate noise mitigation measures are

incorporated in the design of the development.

- All development proposals on or in proximity to land known to be, or which may be, contaminated will include measures designed to prevent an unacceptable risk to public health and the environment.
- Development proposals will not be permitted on or in close proximity to land known to be, or which may be, unstable.

POLICY NH13: Securing high standards of design

New development will be expected to meet the highest standards of design. In order to achieve this, all proposals for new development (excluding small domestic applications and changes of use) should demonstrate that where appropriate:

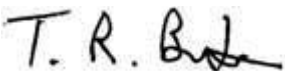
- An analysis of the constraints and opportunities of the site and its surroundings have informed the principles of design and how the detailed design responds positively to its neighbours and the local context;
- The proposal makes a positive contribution to the local environment and creates a place with a distinctive character;
- The public realm has been designed to ensure that it is attractive, safe, accessible and well connected to its surroundings, including walking and cycling routes to and within the development, to encourage their use in the interests of public health.
- The landscape proposals have been developed to enhance both the natural and built environment and maximise the potential to improve local biodiversity;
- Measures to minimise carbon emissions and promote renewable energy and reduce impact on climate change form an integral part of the design solutions.

POLICY NH14: Nationally designated landscape areas

Major development proposals within the Quantock Hills Area of Outstanding Beauty will be determined in accordance with national planning policy.

Where development is likely to affect the Quantock Hills AONB or Exmoor National Park, regard will be had to their statutory purposes.

Applications for development should have regard to location, siting, orientation and landscaping to achieve high quality design and to ensure that the proposals conserve or enhance the natural beauty, wildlife, cultural heritage and tranquility of the AONB or the National Park and their settings. Development which would conflict with the achievement of the statutory purposes of the AONB or the National Park, or their settings or which would adversely affect the understanding or enjoyment of the National Park's special qualities, will not be permitted.



Tim Burton BA(Hons) BTP MRTPI
Assistant Director, Planning & Environment
08/06/2018

NOTES
TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning (General Development Procedure) Order 1995

Discharge/compliance with conditions: A fee is payable from 1 September 2008 where a written request is made for the discharge or compliance with one or more conditions on the same permission. The fee is payable for each request and not for each condition. If when the development has been completed you apply for confirmation of compliance with a condition or conditions then a separate fee will also be payable. Please see the following webpage on West Somerset Council's website:
<http://www.westsomersetonline.gov.uk/Planning---Building/Planning/Discharge-of-Conditions> for more detailed information.

Appeals to the Secretary of State: If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Transport, Local Government and Regions under Section 78 of the Town and Country Planning Act 1990 (Please note, only the applicant possesses the right of appeal). If you want to appeal, then you must do so within 6 months of the date of this notice, you must use a Planning Appeal form when making your appeal. Appeals can be made online at <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal, and you should not rely on this concessionary power.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice. If you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices: If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any

development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.

Compensation: In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to the conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act.

You are reminded that this permission does not convey any necessary approval under the Building Regulations 1991 (as amended). Further information can be obtained from my Council's Consumer Services Unit should you be unsure of the requirements.

Having regard to the powers of the Highway Authority under the Highways Act 1980 you should consult them by telephoning 01643 700700, if any work connected with the development hereby permitted takes place within or immediately adjacent to a public highway (e.g. footpath and margin crossings, piping of ditches, construction of waiting bays etc).

This permission does not authorise you to stop up or divert a public right of way in order to enable the development permitted to be carried out. Separate legal steps are necessary for this, and if required, further information in connection therewith can be obtained from the Chief Executive, Council Offices, Williton.

Your attention is drawn to the provisions of the Party Walls Act 1996. In many cases this requires notices to be served and a formal procedure to be followed. You should contact your legal advisor, architect, surveyor or other professional advisor for details.

This planning certificate does not purport to convey any approval or consent which may be required by any bye-law, order or regulation or any enactment other than the Town and Country Planning Act, 1990.



Application No 3/38/18/002
 Change of use of land to
 footpath as part of England
 Coast Path National Trail
 (retention of part works already
 undertaken)
 Home Farm Holiday Centre, St
 Audries Bay, West Quantoxhead
 Planning Manager
 West Somerset Council,
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932



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 Easting: 310511 Scale: 1:1250
 Northing: 143073

