

E Dyke  
Symonds & Sampson  
Agriculture House  
Market Place  
Sturminster Newton  
DT10 1AR

Mr & Mrs Britten  
Green Farm  
Slait Hill To Pound Lane  
Downhead  
Shepton Mallet  
Somerset  
BA4 4LQ

## NOTIFICATION OF DECISION

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(ENGLAND) ORDER 2015 (AS AMENDED)**

**Application Type:** Full Application **Application No:** 2022/2502/FUL

**Location of Development:** Green Farm Slait Hill To Pound Lane Downhead Shepton Mallet  
Somerset

**Description of Proposal:** Partial Demolition of Existing Agricultural Building and Conversion of Buildings to Form 2 C3 Holiday Homes with Ancillary Facilities and Associated Curtilage

**Application submitted by:** Mr & Mrs Britten

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Somerset Council, hereby **GRANT** the application described above subject to the following:

### Condition(s)

1. **Standard Time Limit (Compliance)**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2. **Plans List (Compliance)**

This decision relates to the following drawings: Location Plan, Existing Site/Block Plan, 22267\_F Rev A Sheet 1 of 2, 22267\_F Rev A Sheet 2 of 2, 22267\_F Rev A Sheet 1 of 5, 22267\_F Rev A Sheet 2 of 5, 22267\_F Rev A Sheet 3 of 5, 22267\_F Rev A Sheet 4 of 5, 22267\_F Rev A Sheet 5 of 5, 22267\_F Sheet 1 of 2, 22267\_F Sheet 2 of 2, 3035/01 Rev A, 3035/02 Rev B, 3035/03 Rev B, 3035/04 Rev B, 3035/05, 3035/06, 3035/07 Rev A and 221101/10A

Reason: To define the terms and extent of the permission.

3. **Materials - Submission of Schedule and Samples (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Foul and Surface Water Drainage Strategy (Compliance)**

The development shall only be carried out in accordance with the approved Foul and Surface Water Drainage Strategy Green Farm, Downhead - Barn Conversions - Foul and Surface water disposal., Aquatech Drainage, 21st December 2022.

Reason: In the interests of providing a satisfactory level of surface water drainage, improving water quality and to prevent flooding in accordance with Policy DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and in order to ensure the provision of satisfactory foul drainage and avoid pollution of the environment.

5. **European Protected Species Mitigation Licence (Pre-commencement)**

No development shall commence until the following has been submitted to and approved in writing by the Local Planning:

- a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
- b) a statement in writing from the licensed bat ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: In the interests of the strict protection of European protected species and in accordance with Policy DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a pre-commencement condition to ensure that a Licence is in place, if required, before development commences and because initial works to commence development have the potential to harm protected species and therefore these details need to be agreed before work commences.

6. **Provision of Bat Box (Pre-commencement)**

No development shall commence until an improved cavity bat box has been installed to accommodate any discovered bat(s) during construction works and details of the bat box, and its location, including photographs have been submitted to and approved in writing by the Local Planning Authority. The bat box shall be hung on a suitable tree or building on or adjacent to the site at a minimum height of 4 metres as directed by a licensed bat ecologist. The bat box shall be retained thereafter in perpetuity.

Reason: In the interests of the strict protection of European protected species and in accordance with Policy DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a pre-commencement condition to ensure that a bat box is in place to house any discovered bats at the commencement stage of development.

7. **Supervision of Works - Protected Species (Compliance)**

All works potentially affecting bats shall proceed under the supervision of the licensed bat ecologist.

Reason: In the interests of the strict protection of European protected species and in accordance with Policy DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

8. **Nesting Bird Protection (Bespoke Trigger)**

No removal of trees hedges, shrubs or demolition of structures shall take place between 1st March and 31st August unless a survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority. No tree hedge or shrub shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection scheme.

Reason: To protect nesting birds and prevent ecological harm in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

9. **External Lighting (Bespoke Trigger)**

No external lighting shall be erected or provided on the site until a "lighting design for bats" has been submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall thereafter be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design.

No new external lighting, other than that shown on the approved plans, shall be installed within the boundary of the application site unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

10. **Ecology - Biodiversity Net Gain (Pre-occupation)**

No occupation of the approved holiday lets shall commence until a scheme for the provision of:

- a) Two Vivra Pro Woodstone Swift Nest Boxes or similar
- b) Two RSPB House Sparrow Terrace Boxes or similar
- b) Swallow provision, for example within a structure providing shelter, such as an open fronted store or bespoke box attached to the wall, along with the erection of two artificial nest cups within.
- c) Where the landscaping scheme allows all new trees planted on site should ideally be from a combination of local native stock, such as, but not limited to, hawthorn, hazel, spindle, holly along with some fruit berry trees such as wild cherry, other domestic cherries, apple and plum.
- d) The creation of a wildflower grassland area using an appropriate seed mix, in areas that surround the site

have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall thereafter be occupied until the boxes have been installed in accordance with the approved details.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

11. **Implementation of Bat Roosts (Pre-occupation)**

No occupation of the development hereby approved shall commence until the 'bat house' and bat boxes as shown on drawing numbers 3035/01 Rev A and 3035/02 Rev B have been provided to the specification stated within the Ecological Assessment for Green Farm by Pure Ecology, dated December 2022.

Reason: To ensure that the mitigation measures as identified are fully implemented to prevent ecological harm and to provide biodiversity gain in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

12. **Parking Area (Pre-occupation)**

The holiday lets hereby approved shall not be occupied until the parking spaces shown on drawing 3035/07 Rev A have been laid out in accordance with the approved plans and made available for the parking of vehicles. The parking spaces shall thereafter be retained for the parking of vehicles associated with the holiday lets and for no other purpose.

Reason: To ensure that sufficient parking is provided to serve the approved development in the interests of highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

13. **Holiday Accommodation Occupancy (Compliance)**

The development hereby approved is for holiday let use only and shall not be occupied other than for purposes of holiday accommodation and shall not be occupied as a person's sole or main place of residence. An up-to-date register of all occupiers on the site (including their main home address), shall be maintained and this information shall be made available at all reasonable times to the Local Planning Authority.

Reason: Permission has only been granted in a location where isolated new dwellings would not otherwise normally be permitted because the development would result in economic benefits from the provision of holiday accommodation in accordance with Policies CP1, CP2 and CP4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

**Informative(s):**

1. **Condition Categories**

Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

**Compliance** - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

**Pre-commencement** - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

**Pre-occupation** - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

**Bespoke Trigger** - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 116GBP per request (or 34GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

2. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.

3. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
4. Please note that your proposed work may also require Building Regulations approval, which is a separate consent process to the consideration of a planning application. The Council's Building Control team are available to provide Building Regulations advice from pre-application stage to completion of a development and can be contacted on 0300 303 7790. Further details can also be found on their website <https://buildingcontrol.somerset.gov.uk/>
5. Due to nature of farms a watching brief should be kept for potential hotspots of contamination and assess for visual/olfactory evidence of contamination during any groundworks. If any unforeseen contamination is found during excavations Environmental Health must be notified immediately. This may include obvious visual or olfactory residues, asbestos including asbestos containing materials such as roofing, buried drums, drains, interceptors, additional fuel storage tanks or any other unexpected hazards that may be discovered during site works.

Date of Decision: 6 April 2023

Mickey Green  
Executive Director  
Climate and Place

## NOTES

### APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to refuse permission or to approve it subject to conditions, you may appeal to the Secretary of State under Section 78 and 79 of The Town and Country Planning Act 1990, Section 20 of The Planning (Listed Building and Conservation Area) Act 1990 or Regulation 15 of The Town and Country Planning (Control of Advertisements) Regulations 1992.

- You must appeal within 6 months of the date on the decision notice (12 weeks for Householder applications, 8 weeks for Advertisement consent)
- Appeals must be made using a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at: <https://www.gov.uk/appeal-planning-decision>
- 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.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

### 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 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 in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990 and/or Section 32 of The Planning (Listed Building and Conservation Area) Act 1990.

### COMPENSATION

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission or consent is refused or granted subject to 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 1990, Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and, in respect of Tree Preservation Orders, Section 203 of The Town and Country Planning Act 1990.

### NOTES IN RESPECT OF ALL APPLICATIONS

- Although Planning Permission or Advertisement Consent may have been granted, should the proposed work involve the demolition, alteration or extension of a Listed Building, Listed Building Consent may also be required before work commences.
- If Planning Permission has been granted for the development, should this involve any work within the highway such as the construction of a vehicular access, the consent of the Highway Authority should also be obtained - <https://www.somerset.gov.uk/roads-travel-and-parking/>
- This permission does not authorise you to stop up or divert a public right of way to enable the development permitted to be carried out. Separate legal steps are necessary for this and further information can be obtained from: <https://www.somerset.gov.uk/roads-travel-and-parking/public-rights-of-way/>
- If planning permission has been granted for development involving the creation of one or more properties needing new addresses you will need to contact the Street Naming and Numbering department, for assignment of the official address/es. Details are available at <https://www.somerset.gov.uk/planning-buildings-and-land/street-naming-and-numbering/>

