

Charlton Musgrove Parish Council

Minutes of the Extraordinary Meeting of the Parish Council held via 'Zoom' on Wednesday 21 October 2020 (19.30 – 20.52)

In attendance: R Bastable, B Iazard, A Sutton, S Moore, R Kimber

County Councillor: none

Parish Clerk: Fran Hill

Public Open Time: No members of the public were in attendance

1. **Apologies for Absence:** A Groskop

2. **Declaration of Interest:** None

3. **Planning applications to be considered:**

a) The appeal against SSDC in respect of 19/01976/FUL | Erection of a dwelling house with new access | Land Os 0700 Part Barrow Lane Charlton Musgrove Wincanton Somerset BA9 8HW. Discussion took place regarding the appeal that has been lodged following refusal of planning permission in respect of the application. It was noted that there is a deadline of 27th October by which to submit any comments to the Inspectorate.

Concerns remain high about protecting the veteran oak with a TPO. It was discussed that to replace the carbon capture of a tree this old would require many trees to equate the same. It was strongly felt that to start a compensation programme now to replace it we would be stepping backwards rather than moving forwards.

Further discussion took place regarding the absence of detail about the proposed plan for drainage which could prove damaging to the protected oak.

Members of the council were concerned that the ownership of another tree (which the application will rely upon being felled) is in dispute and therefore felt this should be clarified before any permissions were granted, were the Inspectorate to be minded to approve. It was requested this should require a Grampian Condition should be put in place as a condition.

The Proposal is to send a letter of clearly outlining the Parish Council's view that this application is not appropriate nor sustainable to the Planning Inspectorate noting the points discussed

Proposed By: Cllr Sutton **Seconded:** Cllr Moore

Resolved 5 – 0 – 0

Further discussion took place as to the wording of a letter which **Cllr Moore** put together and will send to the **Clerk** for her to send to the inspectorate. All members of the council thanked Cllr Moore for doing this.

b) 20/02534/S73A | Application to remove condition 4 (agricultural occupancy condition) of planning permission 891772 granted 22nd November 1989. | Beaufort Bungalow Charlton Musgrove Wincanton Somerset BA9 8HD

Discussion took place regarding the removal of the Condition 4. It was noted that the applicant is no longer employed in agriculture but that the bungalow would not have been permitted to have been built had it not had this condition on it. The farm no longer operates as a farm.

It was further pointed out that the condition was in place to help farm workers afford homes near where they work and that there were other properties that this would affect if the Parish Council allowed it.

Several local cases were cited during the conversation.

The Proposal is to object this application on the basis that condition 4 (agricultural occupancy condition) of planning permission 891772 granted 22 November 1989 provided for local agricultural housing stock.

Proposed By: Cllr Moore **Seconded:** Cllr Izard

Resolved 3 – 0 – 2

Cllr Bastable abstained from voting as he is Ward Member for SSDC

4 Date of next meeting: Tuesday 3 November 2020 at 7.30 pm.

There being no further business, the meeting closed at 20.52

Fran Hill, Parish Clerk & Responsible Financial Officer 22/10/2020

Charlton Musgrove Parish Council

The Planning Inspectorate
319 Eagle Wing,
Temple Quay House,
2 The Square,
Temple Quay,
BRISTOL,
BS1 6PN

By email: teame1@pins.gsi.gov.uk

23 October 2020

Dear Sirs

Re: Appeal Reference APP/R3325/W/20/3257687

Charlton Musgrove Parish Council met recently to discuss the above appeal. Please find attached on page 2 the report produced in respect of the discussions from the Parish Council.

Regards

Fran Hill

Fran Hill
Charlton Musgrove Parish Council
Clerk and Responsible Financial Officer
T: 01747 823699

CC: SSDC Planning Department

Report for Planning Inspectorate Appeal Reference APP/R3325/W/20/3257687

Charlton Musgrove Parish Council have unanimously opposed this application from the first; visual examination of the site in question demonstrates it does not represent an acceptable or sustainable location for development due to the presence and position of two trees, each with their own significance, which substantially reduce the area within the plot which could be developed. Firstly, a veteran oak tree, protected by TPO and granted additional protection under the National Planning Policy Framework (T2 in the appellant's Arboriculturist report from Bosky Trees dated 16/1/20); secondly a mature tree (T1 in the same document) identified by the appellant's arboriculturist as one that "must be felled" in order for any development to take place, owing to its position in relation to the site. In addition, the appellant has repeatedly laid claim to facts which have been proven to be inaccurate such as the existence of a dwelling on the site historically. This is not accurate, yet he repeatedly submits plans and reports that lay claim to this unsubstantiated history.

Dealing firstly with the oak tree (T2), it is key to note that it qualifies under the current (2019) National Planning Policy Framework as a Veteran Tree and therefore attracts certain protection and consideration over and above its status as a Boundary Oak, additionally protected by its TPO. The application under review does not comply with key elements of existing planning policy, within the National Planning Policy Framework; paragraph 175 (c) of the NPPF states "Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists." No compensation strategy has been offered to combat the potential loss of carbon benefit which in a tree of this age capturing carbon at maximum capacity and will continue at optimum rate for decades to come plus the wildlife advantage this tree offers today, and will continue to offer as it grows and develops for the next generations, if allowed to flourish as is the intent of providing it the protection granted. There is no exceptional reason given either. Therefore, it fails to comply.

The appellant's revised proposal fails to sufficiently detail plans for both drainage or landscaping, thereby failing to satisfy the NPPF condition. Post development landscaping could irrecoverably damage the root system.

Secondly, to consider the tree (T1) which "must be felled" if the proposed development is to proceed. This vital dependency was omitted from the Planning Officer's report; as it stands, the proposed development cannot physically be undertaken, owing to this tree. The appellant would therefore need to prove ownership of this second tree in order for his planning application to prove viable and he has not done so. We are made aware the owner of the neighbouring land has already taken significant steps to establish her ownership of this tree and will submit her series of reports for your review. Whilst that civil matter bears no direct influence on this planning consideration, the fact remains the Parish Council do not believe the appellant has proven the viability of his proposal under law, nor can he build what he has proposed, as it depends on the felling of a tree not proven to be within his ownership. On a similar line, the Planning Officer relies on recommending condition 8 for the erection and siting of bat and bird boxes on trees "in the boundary line" one of which is excluded as it has a TPO and the other of course not yet proven to be 'in the boundary line'. As a result, neither policy EQ4 of the South Somerset Local Plan (2006-28) nor the aims and provisions of the NPPF 2019 are met.

In summary, this planning application is not viable or sustainable. It has not demonstrated, in any detail, how vital drainage requirements will be managed to avoid damage to the heavily protected, irreplaceable veteran oak whilst complying with building regulations. It has not tackled the viability of the clear dependency on felling the second tree immediately adjacent to the revised plan for the siting of the dwelling. We would ask you to refuse the application on this basis. If, however, you are minded to approve, we would like any permission to be dependent on the appellant establishing his legal right to the second tree through an appropriate Grampian condition. We are all too aware of the constraints upon the Council to effectively enforce any conditions.

We would add that this is a unique site and one that can only be understood in context with a site visit and review in person to appreciate the lack of space for this proposed, unsustainable development.

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