

**MINUTES OF THE MEETING OF SHEPTON MONTAGUE PARISH COUNCIL
HELD IN THE VILLAGE HALL, SHEPTON MONTAGUE ON MONDAY 6th
AUGUST 2018 AT 7.30pm**

Draft minutes for approval at the next meeting.

Present: Richard Ellis (chair), Paul Williams, Richard Reed, Janet Robinson, Andrew Wiley, Margaret Hill (Clerk), Anna Groskop (County Councillor) and sixteen members of the Parish.

1. **Apologies for absence:** were received from P.C.S.O. Tim Russell.
2. **Declarations of Interest:** Andrew Wiley declared an interest in item 5.
3. **Minutes of last meeting:** were corrected and then signed as a correct record.
4. **Matters Arising:**
 - **Traffic through village:** The clerk had heard from P.C.S.O. Tim Russell that they would attend with their speed device as requested (when it came back from the repairers) to try and catch the speeding culprits. It was noted that this week there is a big initiative in Somerset against speeding.
Action: Clerk to prompt Tim Russell.
 - **Fingerpost restoration:** see item 6 below.
 - **Drains from Welham along Cattle Hill:** Anna Groskop had reported the issue and it was on the list.
 - **Shipping containers on the land opposite the Red House:** Richard Ellis had advised the owners that these required planning permission and they responded that they would seek it.
 - **Planning application 18/01034/ADV for 2 free standing non-illuminated advertising signs:** This had been refused permission.
 - **Spring bulbs:** The clerk had requested more spring bulbs and received a reply from Stephen Fox, Principal Horticultural Officer, SSDC, to the effect that if they are going to be able to offer bulbs this year then we are on the list.

Andrew Wiley stepped down.

5. **Planning Application no: 18/02269/AGN Application for new building for storage and processing of apples on land by Higher Shepton Road, Shepton Montague.**

The applicant, Oliver Dowding had already provided Council with some information additional to the planning application (see Appendix A).

He was invited to outline his proposals to the meeting. He said that in essence he proposed to construct a building under Permitted Development Rights to process and store apples. The building would be 20 metres by 10 metres, roughly 12 ft to the eaves and 5 metres to the ridge. There would be a single access road going round the field. The building would be all clad in green.

The clerk stated that she had received copies of five letters from residents in the parish to the Planning Dept, all of which outlined objections to this application. (See Appendix B)

The chair invited comments from the residents present.

Andrew Wiley spoke first.

He said that the proposed development is not a welcome addition to Shepton Montague and has a severe impact on the Higher Shepton residential area, particularly on the site of the houses developed by Mr Dowding, on the old Higher Shepton Farmyard.

He stated he was going to address the Permitted Agricultural status of the proposed barn, and not the containers, which he had been informed by Planning have been erected in breach of Planning Control and are now the subject of Enforcement and, he trusted, imminent removal.

He did not claim that the local residents were experts in the Town and Country Planning Act and its various amendments and appreciated that the ultimate arbitrator of the proposal is SSDC Planning. However, having studied the Act and taken advice from the Planning office he did believe, along with the other residents, that this notification is not Permitted Agricultural Development.

This type of permitted development is directly related to the curtilage of land under the direct ownership of the applicant. In this case, according to Mr Dowding's letter to the Parish Council, approximately 32 hectares (80 acres) of which only 0.75 of a hectare (1.7 acres) is permanent apple orchard. It does not apply to leased, loaned or borrowed land, the associated equipment required to manage it, and it does not apply to produce imported from third parties for processing.

He said that Mr Dowding had stated in his notification to Planning that the purpose of this barn is for 'storage and processing of apples' and for the storage of associated and other farm equipment. He reported that Mr Dowding had also briefed a meeting of those living in the houses on the site of the Higher Shepton Farmyard, on 19th July 2018, that he wished to use the development to process and store not more than 7000 litres of cider and an unspecified amount of apple juice. Mr Dowding was also very clear that the vast majority of fruit used to produce this cider and juice would be imported from other growers, his acreage being insufficient to support this activity. Mr Dowding suggested that this would be 6-7 trailer loads per year but was not clear on the exact quantity or indeed the size of these trailers.

Mr Wiley further stated that Mr Dowding already has an apple processing facility at Southdown, which he has used successfully for a number of years to produce cider and apple juice.

Mr Wiley said that it would appear that this proposed development duplicates an already existing facility, expands on its size by nearly 10 times and is primarily a processing and storage facility for brought in produce from third parties. As such it is industrial, rather an agricultural in nature and lies outside of Permitted Agricultural Development. He suggested that there are many more suitable sites, with existing units, infrastructure for power, water and waste disposal in local towns, which would cause no disruption to Shepton Montague and much needed benefit to those communities.

Mr Wiley went on to say that residents understood that the Planning Authority can withdraw permitted development rights in certain circumstance and insist of full application. As he had already stated that the residents believed the development does not qualify for permitted agricultural development he asked that the Parish Council press the Planning Office before 8th August, when they are drafting their response to the notification, to refer this very controversial development to become a formal Planning Application so that it can be considered in detail. This would provide a further eight weeks for debate and

for a final decision to be made by Planning. He believed this would have no material effect on the Applicant, if approval were given, who had stated that this proposed barn would not be used until the 2019 apple season, but would provide time for full consideration of the proposal, the size and purpose of the barn, its siting and its impact on the local community.

Tim and Ali Willasey-Wilsey then made the following statement:

- *We are addressing Oliver Dowding's notification of 13 July which sites a green metal barn 20m x 10m x 4m with a ridge of 5.5m approximately 12-15 metres from the foot of our garden.*
- *We are not addressing any verbal assurances that the barn will be placed both further and lower than the proposed location. These assurances have been made to several people in this room, including to me and my wife on Friday 20 July when Mr Dowding proposed withdrawing his application and replacing it at the start of the following week. We checked SSDC website today, and the application has not been withdrawn or changed. So we have to focus on the application which is before the Council now and on which a decision is expected (at the latest) this coming Friday.*
- *In its proposed location, we and our neighbours would be faced with 80 sq m of green metal effectively blocking our view directly in front of our house. It is worth saying that our house is the same length as the proposed barn. For Mr Dowding to describe the barn as "small" in the covering letter to his application of 13 July is disingenuous at best. It is more than 800 cubic metres in volume.*
- *A number of trees will have to be cut down in order to accommodate the barn in its proposed location. Again it is untrue to state in his covering letter to his application that "We will retain sufficient to act as a reasonable screen."*
- *The simultaneous siting of two ISO containers for which the hardcore was laid at 6am on Saturday 14 July without prior warning when, incidentally, our hedge was flailed without our permission, gives a useful example of the environmental effects of having the barn in this location. Since the siting of the containers there has been constant coming and going of vehicles, including at night with headlights showing. There was also a party held at the location which went on until midnight on 27 July with raucous laughter, shouting, sound of glassware and of the containers being opened and closed. The containers are just about 10 metres from where the proposed barn will be sited.*
- *Even if only processing 7000 litres of cider plus an unknown quantity of apple juice, there will be trucks coming and going along this track, bringing apples bought in from other sources. There will also be inevitable noise from bottling. We ought to add here that in 2003/4, when we asked permission from Oliver Dowding to use the track to bring materials on to our property when we were*

having our house extended, he refused on the grounds that this would create too much disturbance for the residents of the cottages next to the pub. What he now proposes is long term and far more disturbing to the residents.

- *In summary the barn in its proposed location is completely inappropriate in size, position, stated use and environmental disruption.*

Oliver Dowding stated that he wished to correct some of the things that had been said. He would not be buying in apples, he would be using what other people waste. Also, the building would be constructed in the location he had described when talking to residents and not in the location shown on the planning application. The Chair pointed out that the meeting could only address the application before them. Mr Dowding offered to withdraw the application in the morning.

Brian Hunter then made the following comments on behalf of himself and Julia Hunter of Westhill House:

We fully support the points already raised but would like to mention a further concern. What does this “development” in the field mean in the long term?

In 2012 we were subjected to change of use of agricultural land to residential and the subsequent installation of a car park in the field below our house. The original application for this was also quite out of proportion for the need stated and we, along with many members of the village felt that it was ultimately to acquire access into the orchard & fields at the back of the other houses, thus allowing further development at a later stage.

When the building of our houses was approved by Somerset Council, Shepton Farms and subsequently Oliver Dowding agreed in perpetuity NOT to develop the surrounding fields for residential use.

The Agreement is dated 21 Jan 1994 and refers to the original 20 Nov 92 and 9th Mar 93 planning applications. These concerned the development of our houses and the move etc of agricultural business to the Aviaris. The relevant section in the agreement is at one of the sub paragraphs and reads:

"The first owner (Shepton Farms Ltd) will not undertake or permit the carrying out of any residential development on the neighbouring part of the Hill Farm Land comprising O.S. 5842 5964 6450 and 7866 which is basically (The Orchard, the field below the Monty, the field below Hill Farm Cottages and the second field below the Monty abutting the stream) nor will the First or Second Owners submit or assist in the preparation and submission of any planning application for the residential development of the land"

We understand that this application is currently for an Agricultural building but would like the “spirit” of this agreement and a long term view to be taken into account and what this might mean for Shepton Montague as a small quiet, rural village.

John Sykes then addressed the meeting and raised the issue of the two shipping containers which are already on site: ground works for these commenced on Saturday 14th July at six o'clock in the morning, one day after this application was lodged with the Council. He said that approximately 160 square metres of top-soil was removed and replaced with compacted hard-core to form a hard-standing area immediately abutting the rear boundary of Nobles. Two 20 foot shipping containers

and quantity of miscellaneous furniture, timber and agricultural materials arrived on site a few days later. There is sufficient hard-standing to accommodate a further 5 or 6 containers. He said that his understanding of the planning process was that an application should first be made to the Planning department before any work is commenced, irrespective of whether the work does or does not fall under a Permitted Development Right. This did not appear to have happened, and therefore he believed that both creation of the hard-standing and the installation of the containers was a breach of planning control. He requested that Council pursue this matter with SSDC Planning Enforcement with a view to having the containers and assorted other items removed from site.

Mr Sykes also stated that he understood that there is an 11 kilo-volt Scottish and Southern Electricity distribution cable running somewhere through this site and SSE should therefore be consulted as an interested party in any planning process.

Sarah Maude said she wished to address two points: the ancient law which permits a farmer using apples from his own land and the process involved in producing cider and apple juice. She stated that the law clearly states "own land". Oliver had said that he plans to bring in apples from other farms and these sources are not included under this law. She therefore suggested that this changes an already established business from agricultural to industrial, which would not come under the parameters of Permitted Agricultural Development.

Sarah Maude asked what happens to the waste from this process. She pointed out that there is no mention of plans to deal with this waste. She asked what Mr Dowding was planning to do about the bottles which will have to be delivered to the site for the manufacturing and bottling process and then taken away for sale. This would inevitably mean an increase in traffic and noise. She commented that we have no idea what will happen in the future and that if any enlargement or extension to the premises is planned, although the appropriate permissions will have to be sought, the fact that the size of the present proposed barn is disproportionate to its stated use is of great concern. She asked Council to object to the application and pass on these comments.

Jo Whale then made the comment that it was sad, with so much industrial land available, that another piece of green field space was to be destroyed, with attendant flora and fauna, for a process which may well be short lived. There is already development around it and therefore this proposal is tragic from a green point of view and she was very sorry that this was even being debated.

Mike Bowman then addressed the meeting to say that he fully supported what had been said by the residents so far and he wanted to re-iterate the points made in his letter of objection to Planning which had been copied to the Clerk prior to the meeting. (Copies of all letters to SSDC Planning in respect of this application can be viewed on the SSDC website.)

Oliver Dowding responded to the previous comments from residents by pointing out that the Hadspen Estate will be importing hundreds of apples, the results of which will be going to South Africa.

Rob Whale pointed out that the Hadspen trees will not be cropping for another ten years. Mr Dowding said this was only his opinion.

Jo Whale raised the issue of pest control on the proposed site as apples are 'rodent-heaven'. Mr Dowding responded that this would be dealt with appropriately.

The Chair thanked everyone for their contributions and the matter was then considered by members.

Paul Williams suggested, that as Oliver Dowding was now going to submit a new application, that Council should respond to this one by supporting the residents' concerns and wait for Mr Dowding to re-submit a more appropriate application.

Janet Robinson stated that a preferred site for the new building would be one not at the back of peoples' houses.

Richard Ellis said that he wanted to encourage farming and other activities in the village however this was not the right site for the proposed building. He said that Council would therefore report to Planning what had been heard at the meeting and await the applicants new application with more detail. He was also of the view that it would be better if this went to a full planning application.

Anna Groskop advised that Mr Dowding would have already been advised by Planning that applying under Permitted Development Rights was appropriate.

Action: Clerk to return all these comments to Planning.

Andrew Wiley re-joined the Council members.

- 6. Somerset Fingerpost Restoration Project:** Andrew Wiley updated the meeting on the progress of this project. (A map of the 14 fingerposts in the Parish is at Appendix B). He reported that the Stoney Stoke fingerpost (No.11 on the plan) has been re-furbished. Much hard work has been done to restore this one to its original glory. Fingerpost No.1 is currently being worked on.

Andrew brought with him the finger of one post to be re-furbished to show the meeting the state they are in and also revealed fingerpost No.2, which has been completed, to show the contrast. Sarah Maude expressed appreciation, on behalf of all the residents to the small group of people who are doing the hard work. Andrew explained that he had been in contact with the foundary that used to carry out fingerpost sign work for County, who can carry out any casting of replacement parts required – but at a cost. He then outlined his estimate of the costs involved in refurbishing all the fingerpost signs in the Parish which will be in the region of £3,400.

Paul Williams suggested that this cost would have to be spread over at least 2 years and perhaps a village fund raiser might be appropriate. It was suggested from the floor that local organisations might wish to make a financial contribution. Sean O'Callaghan of the Montague Inn offered to pay for the refurbishment of the fingerpost near the pub and was thanked by the Chair.

In view of the budget implications of the following agenda item it was decided to consider

- 7. Refurbishment of the old BT telephone box** - at the same time as item 6. No use has yet been agreed for the phone box but Doug Barrowman has begun work towards its refurbishment, including successfully removing all the glass. The Chair read out the letter that had been received from Mr Barrowman detailing the cost of sand blasting and re-painting the telephone box. This was estimated

to be approximately £400. After considering the finances it was agreed to allocate £400 to refurbish the phone box and £1000 towards fingerpost restoration from this year's funds with a further £1000 to come from next year's budget for the fingerposts.

8. General Data Protection Regulation: The clerk had attended a half day course on this topic for which an invoice had been received for £25. The main points to come out of the training were that for the purposes of the Act the Parish Council is not a local authority and therefore does not have to appoint a Data Protection Officer but we must carry out a data audit and adopt and publish a Privacy Notice on the village website. The clerk was adapting the SALC template and would present it for adoption at a future meeting. The second point was that Council must pay an annual fee of £40 to the Information Commissioner's Office but do not have to register with them. Council can be fined if the fee is not paid. **Action:** Clerk to establish how to pay this fee. It was stated at the training that the important thing is for the Parish Council to be moving towards compliance with GDPR but in order not to fall foul of the GDPR the clerk will be disposing of all data that there is no legal requirement to keep (e.g. old planning applications) and advised that members do the same.

9. Finance: A cheque was signed for the GDPR training fee.

10. Correspondence: None other than that already dealt with above.

11. A.o.b.

- **Hadspen Estate:** The clerk had heard that some parishes had been invited to an information session at the villa site on Hadspen Estate but she had not received anything for Shepton Montague. Richard Reed said he had been personally invited and had attended. He explained that it is proposed to place a glass roof over the Roman ruins. The mosaics have been lifted to preserve them. A planning proposal will be forthcoming to build a replica Roman villa adjacent to the excavation which would be the first Roman villa built in the country. The large green barn would be removed. The site falls within Bratton Seymour Parish.
- **Litter picking:** A resident suggested that thanks should be given to Derek Robinson who has for some time gone round the village picking up litter. Janet Robinson to pass on thanks on behalf of the Parish. The Chair commented that formal litter picking requires health and safety permissions but an informal approach is welcomed.
- **Provision of bar at village fete:** A resident said that it should be put on record that the Montague Inn supplies all the equipment for the bar at the annual village fete, meaning that all the money taken is 100% profit for the village (church). Thanks therefore go to Sean at the Montague Inn.

12. Open discussion

There being no further business the meeting closed at 8.50 pm.

Chairman _____ Date _____

APPENDIX A

Information supplied to Council from Oliver Dowding re Planning Application.

Parish council, 6.8.18

Over many years I have been using 2 barns at Lower Farm for all sorts of storage requirements. This resource has now come to an end as it returns to the landlord who wishes to use it for their own purposes.

This means I require something to replace this. It will function to store things the farm needs stored. Also it will give proper facilities for juicing apples, storing apples, processing into both apple juice and also cider. Up to now this has been possible by using my garage, and the buildings at Lower Farm. It is now time to create a dedicated building which can deliver all of these needs.

When contemplating where this would be best situated I looked at a number of options. Given the relatively small area of land which I currently own, which is under 80 acres, as opposed to the 240 or so acres I rent, all the other sites (within my ownership) had negative issues which the one by the orchard doesn't.

The streetwise website was tricky to use. The plan it created was too large, and I would like to point out that the area on the plan is not the size of the shed and the shed is actually much smaller.

The proposed building will be 10m x 20m.

The height to the eaves will be approximately 4m, with a very gentle 15-degree roof slope.

This means that the overall height at the ridge will be approximately c.5.6 m. The building will be on land below the existing trees.

The land is lower than the land the trees are on, which themselves are well over 8m tall – as the photos show.

The building, where it is proposed to be situated, will be almost invisible to everybody other than the few walking the footpath through the orchard. Given it will be green sided and green roofed, for much of the year it will be the least visible of most buildings.

For those concerned about the level of activity within the barn and on-site, the season for harvesting apples is relatively short, probably stretching to no more than three months and in all probability significantly less. For the rest of the year there will be occasional visits to collect and manage the stock within the building. These aren't anticipated to be very frequent. There will be some general farm use with an unknown (at this stage) level of need and use.

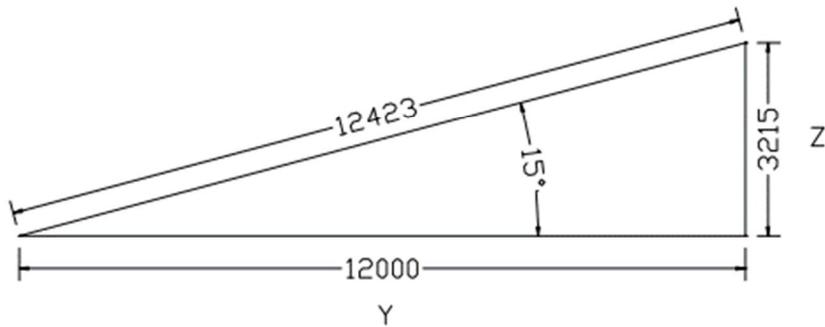
This building does not need planning permission as such. It comes within the category of "Permitted Development Rights", as this is an agricultural holding. For agricultural holdings PDR needs prior approval from the local authority. This application has been made for prior approval.

PDR: you can find all the information about this on the South Somerset website.

<https://www.southsomerset.gov.uk/planning-and-building-control/planning-permission/make-a-planning-application/agricultural-prior-notification-applications/>

The diagram below illustrates the roof pitch, but note the width will be 5m, giving a rise of 1.34m.

Example: A 12 metre wide leanto with a 15 degree pitch



I have specifically placed the shed in a place where it is unlikely to be seen by the majority of people and chosen a design which will help this aspect. The building is aimed at supporting my small local business work in a more efficient way on my own land.



This is for diagrammatic purposes. 62' x 31' x 13' to eaves with c.15.5' to the ridge. This mock shows "chimneys" but there will be an ordinary roof on my building.
<http://wickbuildings.com/mywick/design3d>
Also check over https://ravenroofingsupplies.co.uk/wp-content/uploads/2014/04/marleyeternit_profiledsheetingdesignguideapril06.pdf for various angles etc

APPENDIX B

