

**TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)**

**TOWN AND COUNTRY PLANNING
(GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015 (AS AMENDED)**

**Proposed Change of Use of Land and Construction of Tennis Court with Associated
Fencing and Landscaping
(Resubmission of Application No. 20/0260/FUL)**

**Land to the South-West of Rockwells House, Batcombe, Shepton Mallet,
Somerset BA4 6HD**

PLANNING STATEMENT

ON BEHALF OF MR AND MRS O LANE FOX

JUNE 2020

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Ref: JM/19082**

1.0 INTRODUCTION

1.1 This Application is a resubmission of Application No. 20/0260/FUL which was withdrawn following the Applicants being made aware of concerns being raised by local residents in respect of the precise siting of the tennis court. The Applicants have absorbed the neighbours' requests and made the following changes to the siting of the tennis court, as well as the proposed landscaping. These changes are as follows:

- The tennis court is pulled back into the garden area by around 200m². This has meant moving the tennis court approximately 10.5m eastwards and it therefore sits partly in an area currently used as part and parcel of the garden area to Rockwells House.
- The field is to be left as pasture up to the hedge line.
- The hedge line has been reduced in height and density.
- The proposed fruit trees in the field have been reduced to just a couple by the gate.
- The planting chosen is all to be in keeping with other plants growing in the vicinity so as not to jar in any way.
- Willows are to be used so that they can be easily pollarded near the overhead cables.
- A further ecological survey of the land has been undertaken.

1.2 As a result of these changes there will be less incursion into the field, with the planting and landscaping being more irregular and arguably less contrived.

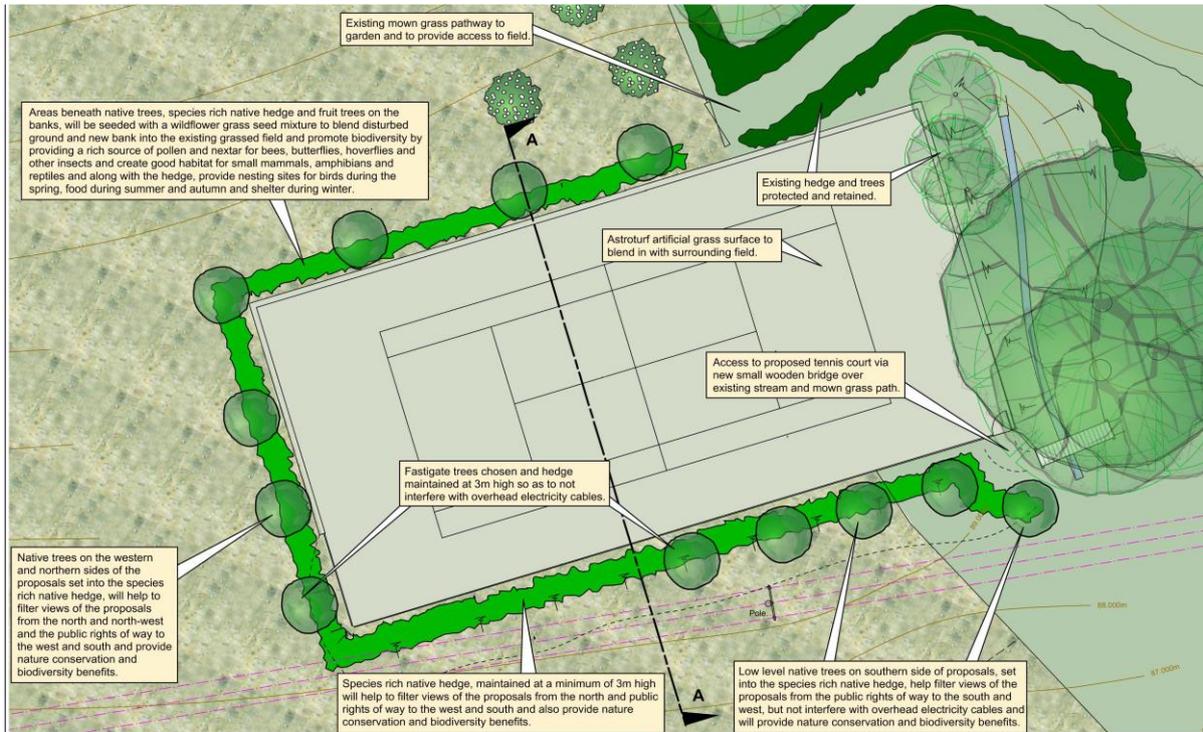
1.3 The location of the tennis court having regard to the existing curtilage of Rockwells House and surrounding land use is as seen in the photograph below.



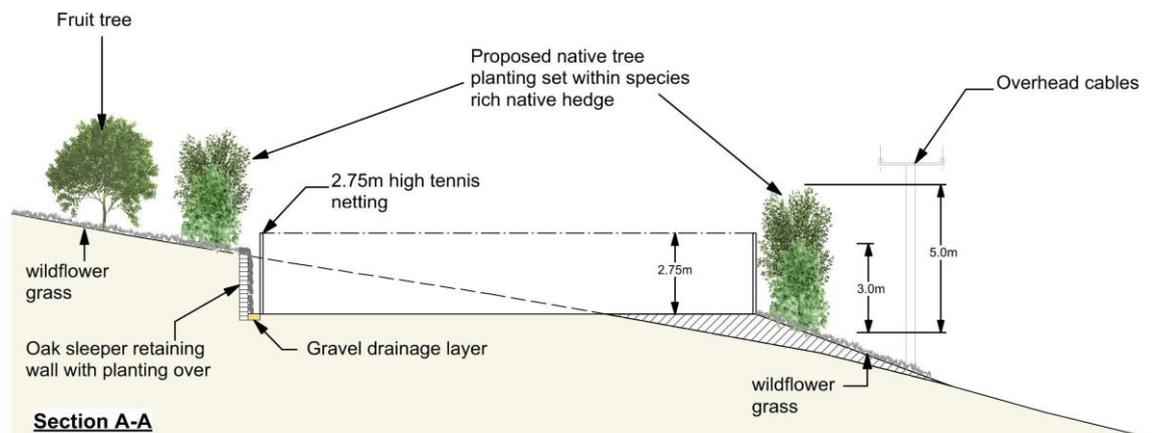
2.0 DESCRIPTION OF PROPOSAL

- 2.1 It is proposed to construct an all-weather synthetic grass tennis court on land partly within the curtilage of Rockwells House and partly within the adjoining grassed field next door.
- 2.2 As the land is falling away to the south, the tennis court will be set into the slope using cut and fill techniques, with the banking to the north shuttered with oak sleepers (similar to those used in the kitchen garden) over which creeping rosemary will grow thereby providing a green backdrop to the court.
- 2.3 The court will measure 35m x 17m which is a standard single court dimension. Surrounding the court there will be a 2.75m high green painted netting with hedge and trees planted outside of this.

- 2.4 The existing mown grass pathway will be retained along the northern side of the court to gain access to the field. Pedestrian access to the court will be via the garden area in the south-east corner of the court.
- 2.5 The details of the tennis court are as shown below.



- 2.6 A cross-section of the proposed tennis court is shown in Section A-A of the same Landscape Plan (see below) and here it is also demonstrated that a considerable landscaping hedge around the tennis court will be planted with native species as specified.

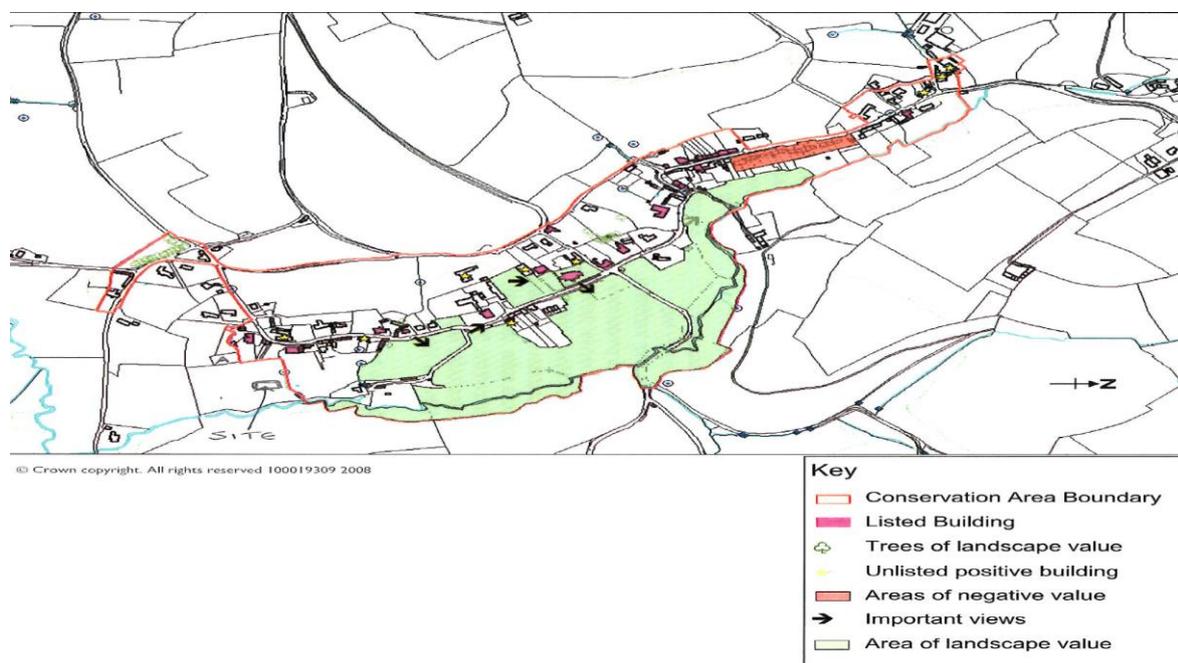


3.0 LOCATION OF THE TENNIS COURT

3.1 As shown in section 1 above, the tennis court is located to the south-west of Rockwells House partly within the existing residential curtilage and partly in the adjoining field. This field is used for two weeks of the year for grazing purposes and will continue to be used as such.

3.2 The aerial photograph shows the form and layout of development in the vicinity.

3.3 The site lies outside of the Conservation Area boundary of Batcombe (see below) and away from any designated Heritage Assets.



4.0 PLANNING POLICY CONTEXT

4.1 The site is located in the open countryside albeit closely related to the residential curtilages of several properties.

4.2 As such, Mendip District Council Local Plan policies apply, particularly DP1, DP7 and DP8, as well as policies set out in the National Planning Policy Framework and Government advice as set out in Planning Practice Guidance.

5.0 PLANNING CONSIDERATIONS

5.1 The main consideration in our opinion is the visual impact of the proposal having regard to the countryside location.

- 5.2 In this respect, considerable care and attention has been given to the design of the tennis court and its location.
- 5.3 Landscape consultants have been employed to assess the visual impact, not only in general terms but specifically from the two footpaths that run to the west of the site.
- 5.4 Following consultation with local residents, the position of the court has been changed so that it is partly embedded within the residential curtilage of Rockwells House. The landscaping scheme has been lessened so as to provide a more informal screen to the tennis court. The landscaping scheme has been designed by experienced Landscape Architects and it is believed that it will assimilate into the landscape well and there will be no detrimental impact upon the landscape character or amenity.
- 5.5 With the application there is a detailed landscape specification utilising native species. Whilst there are already some existing power cables to the south of the site of the proposed footpath, it is considered that the landscaping will in part obscure views of the power cables from the footpaths.
- 5.6 Also as part and parcel of the application, we have undertaken a further Ecological Appraisal of the site as some questions had been raised about the previous report. A botanical expert carried out a further walkover survey and no protected or special plants or wildlife were found on the site. There will be no harm therefore caused to any protected species as a result of the proposal and indeed through the enhancement proposed in the Ecological Appraisal there will be an increase in biodiversity for the area.
- 5.7 The location of the tennis court is not dissimilar to configurations of other tennis courts pertaining to other properties both in Batcombe and other villages. Indeed, the tennis court that is seen to the north of the Application Site in the aerial photograph above was similarly placed in a part agricultural/part residential curtilage location. The location takes account of the gradient of the land, as well as dimensions required for a tennis court. The proposal will not have any impact on the character of the settlement of Batcombe itself which, under the Conservation Area Appraisal, highlights the linear pattern of development for which the village is associated, with development taking place away from these frontage houses.

5.8 The tennis court is located some distance from any other residential properties and it is not believed that the location will impact upon amenities of any neighbouring occupiers or users. The tennis court is not overlooked by anyone at all and is in a very discrete location.

5.9 The Applicants have the ability to gain access to the field from either the south-east or south-west for construction purposes. During the construction of the tennis court therefore, there will be no adverse impact on the amenities of occupants of nearby properties through delivery vehicles.

6.0 CONCLUSION

6.1 The proposal is considered to be acceptable having regard to the policies of the Mendip District Local Plan the NPPF and there are no material considerations to weigh against granting planning permission.

Brimble, Lea & Partners

June 2020