

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday 17th December 2025, 10.00 am

Councillors: Tim Ball (Chair), Ian Halsall, Hal MacFie, Toby Simon, Shaun Hughes, Dr Eleanor Jackson, George Leach, John Leach and Tim Warren CBE

72 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

73 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Cllr George Leach was in attendance as a substitute for Cllr Paul Crossley who had submitted his apologies.

Cllr Fiona Gourley submitted her apologies as she wished to speak as ward councillor in relation to application 22/01370/FUL - Parcel 4234, Combe Hay Lane, Combe Hay.

74 DECLARATIONS OF INTEREST

Cllr Eleanor Jackson stated that she was a tenant of an allotment in Radstock but that she did not consider that this was an interest that would prevent her participating in the debate and voting on the application.

75 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

76 ITEMS FROM THE PUBLIC

The Democratic Services Officer informed the meeting of the process for public speakers to address the Committee.

77 MINUTES OF THE PREVIOUS MEETING

Cllr Jackson moved that the minutes be confirmed as a correct record subject to the following amendments:

1. Inclusion of the postcode in relation to application 25/01546/FUL – 1 Wells Road Westfield, **BA3 3RN**
2. In relation to bullet point 2 on responses to members questions on the same application, the inclusion of the word “very” to read “There were no free parking spaces **very** close to the site.”

This was seconded by Cllr Halsall and on voting for the motion it was:

RESOLVED that the minutes of the meetings of 19 November 2025 be confirmed as a correct record for signing by the Chair.

78 **MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered:

1. A report and update report by the Head of Planning on the applications under the main applications list.
2. Oral statements by members of the public and representatives. A copy of the speakers' list is attached as Appendix 1 to these minutes.

RESOLVED that in accordance with the delegated powers, the applications be determined as set out in the main applications decisions list attached as Appendix 2 to these minutes.

1. 22/01370/FUL - Parcel 4234, Combe Hay Lane, Combe Hay

The Planning Case Officer introduced the report which considered an application for the creation of new allotments including associated facilities and landscaping and access serving the allotments.

He confirmed the officers' recommendation that permission be granted subject to the conditions set out in the report,

The following public representations were received:

1. Malcolm Austwick, Combe Hay Parish Council and Dr Ned Garnett, South Stoke Parish Council objecting to the application.
2. Robert Hellard, on behalf of South of Bath Alliance, objecting to the application.
3. Mark Sommerville, agent, supporting the application.

Cllr Fiona Gourley was in attendance as ward councillor and read a statement summarised as below:

1. She shared the frustrations of Parish Councils and local residents.
2. The allotments should not be in the proposed location, and this was due to an inefficient use of the phase 1 development site.
3. Other options were not pursued.
4. There was a shortage of allotment provision and demand from local residents, but Derryman's field was not an appropriate location.
5. There were concerns about who would take responsibility for the allotments.
6. There were many well-founded objections to the application, but on balance, she reluctantly agreed that the application should be permitted due to the need and demand for allotments.
7. Permission should be subject to strict conditions on the provision of water, a strong deer fence, a single good community shed and clarification on who will be responsible for the upkeep of the allotments.

In response to Members' questions, it was confirmed:

1. There would be a total of 9 allotments, and these would be a mixture of full size,

half size and quarter size.

2. The current Section 106 Agreement required the allotments to be managed by either a management company, the Council or a body nominated by the Council. This could be resolved at a later date.
3. If there was no demand for the allotments from residents of phase 1, they could be offered to the wider community.
4. The management plan would deal with issues such as the allotments becoming overgrown.
5. The original proposal for a kissing gate would be replaced by a swing gate to facilitate the use of wheelbarrows to carry compost etc.
6. The Section 106 agreement dealt with the management of the allotments as there may be a requirement for the transfer of land which was better dealt with by a legal agreement rather than condition. The condition to require an allotment management plan to be submitted would not be discharged until it was known who would be responsible for managing the land.
7. The use of the land would also be secured by the Section 106 Agreement, if the land was sold, the obligations would stand and there would be controls over who managed the allotments.
8. In relation to the Green Belt location, it was the view of officers that the facilities proposed would preserve the openness of the Green Belt and that the nature and appearance of the proposed allotments would not conflict with the purposes of the Green Belt.
9. A water supply would be secured as part of the Section 106 Agreement.
10. The Council's Greener Places Team was satisfied with the proposal for one community shed and also that there were sufficient growing conditions which would not be adversely affected by the adjoining woodland.
11. Only one community shed had been proposed rather than a number of individual sheds to protect the openness of the green belt. The size of the proposed community shed was 14ft by 7ft.

Cllr Halsall opened the debate and acknowledged the concerns around the proposed location of the allotments but considered that, on balance, the benefits of providing allotments outweighed concerns about the location and he moved the officers recommendation to permit the application. This was seconded by Cllr Simon.

Cllr Hughes expressed concern around the siting in the Green Belt, Cotswold National Landscape and Site of Nature Conservation Interest (SNCI) and the impact on ecology. He also raised concerns about the timing before the submission of revised submission for phases 3 and 4. Cllr Jackson agreed with these concerns and also questioned if the application would work without additional facilities and whether there would be interest from local residents.

Cllr Warren raised concerns that the allotments had not been sited within the phase 1 development and questioned whether the application was fit for purpose.

On voting for the motion to permit the application, it was NOT CARRIED (3 in favour and 6 against).

Cllr Hughes moved that the application be refused for the following reasons:

3. the proposed allotments and associated infrastructure would fail to preserve

the openness of the Green Belt and represent inappropriate development.

4. the proposed development would fail to conserve or enhance the natural beauty of the Cotswolds National Landscape.
5. The proposed development would adversely affect the Site of Nature Conservation Interest (SNCI) and would result in a loss of habitat.

This was seconded by Cllr Warren.

On voting for the motion, it was CARRIED (6 in favour and 3 against).

RESOLVED that the application be refused for the following reasons:

1. the proposed allotments and associated infrastructure would fail to preserve the openness of the Green Belt and represent inappropriate development.
2. the proposed development would fail to conserve or enhance the natural beauty of the Cotswolds National Landscape.
3. The proposed development would adversely affect the Site of Nature Conservation Interest (SNCI) and would result in a loss of habitat.

79 NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES

The Committee considered the appeals report.

RESOLVED that the report be noted.

The meeting ended at 10.57 am

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

**MEMBERS OF THE PUBLIC AND REPRESENTATIVES SPEAKING AT
THE MEETING OF THE PLANNING COMMITTEE
WEDNESDAY 17 DECEMBER 2025**

MAIN PLANS LIST			
ITEM NO.	SITE NAME	NAME	SUPPORTING/ OBJECTING/ PARISH OR WARD COUNCILLOR
1.	22/01370/FUL - Parcel 4234, Combe Hay Lane, Combe Hay	Dr Ned Garnett, South Stoke Parish Council (1 min 30) <u>and</u> Malcolm Austwick, Combe Hay Parish Council (1 min 30)	Parish Councils (3 mins in total)
		Robert Hellard on behalf of South of Bath Alliance (SoBA)	Objecting (3 mins)
		Mark Sommerville, agent	Supporting (3 mins)
		Cllr Fiona Gourley	Ward Councillor (5 mins)

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BATH AND NORTH EAST SOMERSET COUNCIL
PLANNING COMMITTEE
17th December 2025
DECISIONS

Item No:	01	
Application No:	22/01370/FUL	
Site Location:	Parcel 4234, Combe Hay Lane, Combe Hay, Bath	
Ward: Bathavon South	Parish: Combe Hay	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Creation of new allotments including associated facilities and landscaping, including access serving the allotments.	
Constraints:	Colerne Airfield Buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Ecological Networks Policy NE5, Strategic Nature Areas Policy NE5, SSSI - Impact Risk Zones,	
Applicant:	Countryside Properties	
Expiry Date:	31st July 2024	
Case Officer:	Chris Griggs-Trevarthen	

DECISION REFUSE

1 The proposed allotments and associated infrastructure, including the communal shed and 1.8m high fencing, would fail to preserve the openness of the Green Belt and therefore represent inappropriate development. Very special circumstances have not been demonstrated to clearly outweigh the harm to the Green Belt, along with the other harms identified. The proposed development is therefore contrary to the development plan, in particular policy CP8 of the Core Strategy and policy LCR9 of the Placemaking Plan, and is also contrary to chapter 13 of the National Planning Policy Framework.

2 The proposed allotments, through the introduction of a 1.8m high fence, communal shed and other allotment paraphernalia would fail to conserve or enhance the natural beauty of the Cotswolds National Landscape. The proposed development is therefore contrary to the development plan, in particular policies NE2 of the Local Plan Partial Update and policy LCR9 of the Placemaking Plan, chapter 15 of the National Planning Policy Framework and the duty under s85 of the Countryside and Rights of Way Act 2000.

3 The proposed allotments would adversely affect the Fuller's Earth Works-Southstoke Complex Site of Nature Conservation Interest (SNCI). The importance of the development and its need for that particular location is insufficient to override the value of the habitat effected. The proposed development is therefore contrary to the development plan, in particular policy NE3 of the Local Plan Partial Update.

PLANS LIST:

050-5-2-DR-5003-S4-P13 Landscape Proposals
3050-5-2-DR-5002-S4-P13 General Arrangement
3050-5-2-DR-5000-S4-P6 Site Location Plan

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework. The application was recommended for approval but was refused by the planning committee for the reasons given.