

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 21 September 2016 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 31 August 2016 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 38/16/0307 Erection of single and two storey rear extension and detached store at 10 Fremantle Road, Taunton (Amended design)
- 6 E/0253/31/15 Alleged unauthorised installation of external extract ducting at Ruishton Inn, Cheats Road, Ruishton
- 7 Latest Decisions received

The following items are likely to be considered after the exclusion of the press and public because of the likelihood that exempt information would otherwise be disclosed relating to the Clause set out below of Schedule 12A of the Local Government Act 1972.

- 8 Enforcement item at Wellington (to follow)

Bruce Lang  
Assistant Chief Executive

10 November 2016

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

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Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

**For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email [r.bryant@tauntondeane.gov.uk](mailto:r.bryant@tauntondeane.gov.uk)**

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**Planning Committee Members:-**

Councillor R Bowrah, BEM (Chairman)  
Councillor M Hill (Vice-Chairman)  
Councillor M Adkins  
Councillor C Booth  
Councillor W Brown  
Councillor J Gage  
Councillor C Hill  
Councillor S Martin-Scott  
Councillor I Morrell  
Councillor S Nicholls  
Councillor J Reed  
Councillor N Townsend  
Councillor P Watson  
Councillor D Wedderkopp  
Councillor G Wren

## **Planning Committee – 31 August 2016**

Present: - Councillor Bowrah (Chairman)  
Councillor Mrs M Hill (Vice-Chairman)  
Councillor M Adkins, Booth, Brown, Gage, C Hill, Martin-Scott, Morrell,  
Nicholls, Mrs Reed, Sully, Townsend, Watson and Wedderkopp

Officers: - Tim Burton (Assistant Director - Planning and Environment),  
Bryn Kitching (Area Planning Manager), Matthew Bale (Area Planning  
Manager), Gareth Clifford (Principal Planning Officer), John Burton  
(Principal Planning Officer), Louise Portman (Solicitor), Brendan Cleere  
(Director - Growth and Development), David Evans (Economic  
Development Manager), Tom Gillham (Assistant Director - Asset  
Development Projects), Les Owen (Principal Accountant,  
Growth), Trevor Slack (Locum Lawyer) and Andrew Randell  
(Democratic Services Officer)

Also present: Councillors Berry, Cavill, Coles, Edwards, Farbahi, Gaines, Habgood,  
Horsley, Williams and Wren in connection with application No.  
38/15/0475. Councillor Mrs J Adkins in connection with application  
No. 25/16/0011. Councillor Miss Durdan in connection with application  
No. 14/16/003. Representatives from St Modwen - Mark Thorne,  
Stephen George and Ian Yallop. Craig O'Brien representative from  
Savills and Mrs A Elder, Chairman of the Standards Advisory  
Committee.

(The meeting commenced at 5.00 pm)

### **78. Apology/Substitution**

Apology: Councillor Wren.

Substitution: Councillor Sully for Councillor Wren.

### **79. Minutes**

The minutes of the meeting of the Planning Committee held on the 10 August  
2016 were taken read and were signed.

### **80. Declarations of Interest**

Councillors M Adkins and Wedderkopp declared a personal interest as  
Members of Somerset County Council. Councillor Martin-Scott declared  
personal interests as a trustee to the Home Service Furniture Trust, trustee to  
Bishop Fox's Educational Foundation and a trustee to Trull Memorial Hall. He  
also declared a personal interest in application No. 38/15/0475 as a member  
of his family lived in Greenbrook Terrace, Taunton. Councillor Townsend

declared personal interests as Vice-Chairman of Kingston St Mary Parish Council and as Chairman of the Kingston St Mary Village Hall Association. He also declared a personal interest in application No. 38/15/0475 as he rented office space on The Bridge in Taunton and had received a letter regarding potential flooding. He declared that he had not 'fettered his discretion'.

## **81. Applications for Planning Permission**

The Committee received the report of the Area Planning Manager on applications for planning permission and it was **resolved** that they be dealt with as follows:-

- (1) That **planning permission be granted** for the under-mentioned development:-

**25/16/0011**

**Erection of single storey two classroom block to east of main school building at Norton Fitzwarren Primary School, Blackdown View, Norton Fitzwarren**

### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo H7330/200 Site and Location Plans;
  - (A3) DrNo H7330/202 Block Plan as Proposed;
  - (A3) DrNo H7330/203 Proposed Floor Plan, Elevations and Roof Plan;
  - (A3) DrNo H7330/204 Elevations as Proposed;
  - (A3) DrNo H7330/206 Car Parking as Proposed;
- (c) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing and shall specify the type of protective fencing. Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority;

- (d) With the exception of the trees shown to be removed on the approved plan, no tree shall be felled, lopped, topped, lifted, pruned or disturbed in any way without the prior written consent of the Local Planning Authority;
- (e) Within three months of the occupation of the building hereby permitted the temporary classrooms E433 and E626 shall be removed from the site and the land restored and reinstated to its former condition;
- (f) (i) Replacement planting shall be carried out at the site, details of which shall have previously been submitted to, and approved in writing by, the Local Planning Authority. Such details shall include details of the species, siting and numbers to be planted; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by, the Local Planning Authority;
- (g) The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the building(s) hereby permitted is first occupied and shall not be used other than for the parking of vehicles in connection with the school site.

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission.)

- (2) That **planning permission be refused** for the under-mentioned development:-

**38/15/0475**

**Outline planning application with some matters reserved for the redevelopment of the former cattle market site to provide up to 3500 sq m of convenience retail development, up to 6000sq m of non-food development (class A1), up to 4000sq m of office (B1) or hotel (C1) use, up to 2400sq m for a cinema (D2), up to 2600sq m of food and drink establishments (A3/A4/A5) and up to 200 residential units with redevelopment of the former Priory Bridge Road Car Park to provide up to 4014sq m of office (B1) and 4475sq m of office (B1) or hotel (C1) uses and a further 1300sq m of A3/A4/B1 (office) D2 uses with car parking, landscaping, public realm, access, highways, infrastructure works and relevant demolition at Firepool, Priory Bridge Road, Taunton**

**Reasons**

The development proposed was in direct conflict with Core Policies from the adopted development plan (the Taunton Deane Core Strategy (CS) Policies CP2, CP3, CP5, CP6 and CP8 and the Taunton Town Centre Area Action Plan (TCAAP) Policies FP1 and FP2). In particular, the proposed development fails to deliver the majority of the requirements of Policy FP1 of the TCAAP including:-

- The quantum of allocated office space;
- The quantum of housing;
- A multi storey car park screened where it adjoins public space;
- Primary health care facilities;
- A high quality pedestrian boulevard that links the Railway Station with both the River Tone and Priory Bridge Road;
- Active street frontages in accordance with the proposals map;

The proposed development was also contrary to Policy DM4 of the CS and ED1 of the TCAAP as well as Policy D7 of the Taunton Deane Site Allocations and Development Plan as a result of parameter plans that would deliver a poor quality layout that fails to take the opportunities available for improving the character and quality of the area and the way it functions. The form and format of the core part of the development proposed would be dominated visually by a surface level car park giving an appearance akin to that of a retail park. This will risk it becoming primarily a retail destination in its own right, mainly serving car borne custom and therefore competing with, rather than complementing, the town's primary shopping area;

The economic benefits that arise from redevelopment of this vacant site do not in this instance outweigh the conflict with the development plan, nor the demonstrable harm that would result from the proposed form and layout. As a result the development does not constitute sustainable development as defined in paragraph 14 of the National Planning Policy Framework.

(Note to Applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had looked for solutions to enable the grant of planning permission. During both the pre-application and applications stages, positive suggestions as to how to make amendments to the proposals that would overcome the Council's objections had been made. However in this case, the applicant was unable to satisfy the key policy test and as such the application had been refused.)

**14/16/0031**

**Outline application with some matters reserved for the erection of 35 No dwellings on land to the south west of Creech Medical Centre, Hyde Lane, Creech St Michael**

### **Reasons**

(a)The proposed development lies outside the settlement limits of Creech St Michael and would add to the existing housing already granted impacting on

the scale and character of the village while adversely impacting on landscape views from the canal. The development is considered to be contrary to Policies SP1, CP8 and DM2 of the Taunton Deane Core Strategy 2011- 2028 and Policy SB1 of the draft Site Allocations and Development Management Plan;

(b)The proposal did not provide a suitable means for securing the appropriate affordable housing and maintenance of onsite leisure facilities, including any Sustainable Urban Drainage scheme for the site and Travel Plan and therefore would be contrary to Policies CP4, CP5 and CP6 of the Taunton Deane Core Strategy, and retained Policy C4 of the Taunton Deane Local Plan;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with applicants and looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application had been refused.)

#### **49/16/0006**

#### **Change of use of land to allow the siting of storage containers in the farm yard at Candletrees, Jews Lane, Wiveliscombe**

#### **Reason**

The proposed location of the shipping containers was considered to be detrimental to the amenities of the neighbouring properties and the visual amenities of the area, particularly when viewed from the public footpath to the north contrary to Policies CP8 and DM1 of the Taunton Deane Core Strategy;

Also **resolved** that:-

- (1) An enforcement notice be served requiring the cessation of all storage uses within the containers and the removal of all the containers from the site;
- (2) Any enforcement notice served to have a six month compliance period from the date on which the notice took effect; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action should the notice not be complied with.

## **82. Exclusion of the Press and Public**

**Resolved** that the press and public be excluded from the meeting for the following item because the likelihood that exempt information would otherwise be disclosed relating to Clause 1 of Schedule 12(A) to the Local Government Act 1972 and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

**83. E/0154/24/12 – Untidy site at 12 Town Close, North Curry**

Reference Minute No 91/2014, reported that further clearance had taken place on the site and a new fence was being erected to the boundary.

The Council had still not pursued legal proceedings for the reasons set out in the confidential papers.

The report set out various alternative courses of action that could result in the clearance of the site and remedy the harm to the residential amenity of neighbours which could be employed by the Council. However it was considered by officers that proceeding with prosecution at present would not achieve further clearance of the site any quicker.

**Resolved** to defer prosecution action and continue to monitor the situation for a further period of six months for the reasons outlined in the confidential report.

**84. Appeals**

Reported that two appeal decisions had been received details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 9.50pm)

## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors, D Wedderkopp and M Adkins
- Clerk to Milverton Parish Council – Councillor Wren
- Vice-Chairman to Kingston St Mary Parish Council and Chairman to Kingston St Mary Village Hall Association – Councillor Townsend
- Trustee to Home Services Furniture Trust, Trustee to Bishop Foxes Educational Foundation, Trustee to Trull Memorial Hall – Councillor Stephen Martin-Scott
- Councillor to Comeytrove Parish Council, Member of the Fire Brigade Union – Councillor Simon Nicholls
- Trustee of Hestercombe House and Gardens, Trustee of the Somerset Building Preservation Trust, Director of Apple FM – Councillor Marcia Hill

38/16/0307

MR AND MRS B KING

**Erection of single and two storey rear extension and detached store at 10 Fremantle Road, Taunton (Amended design)**

Location: 10 FREMANTLE ROAD, TAUNTON, TA1 3BS

Grid Reference: 323725.123352

Full Planning Permission

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## **Recommendation**

### **Recommended decision: Conditional Approval**

#### **Recommended Conditions (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo BK11202 Rev A Site & Location Plans  
(A3) DrNo BK11202 Rev A Proposed Floor Plans  
(A3) DrNo BK11202 Proposed Elevations  
(A3) DrNo BK11202 Rev A Floor Plan & Elevations for Store

Reason: For the avoidance of doubt and in the interests of proper planning.

#### **Notes to Applicant**

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.

## **Proposal**

This is a re-submission of a previous scheme for the erection of a two storey pitched roof extension at the rear of the property with a single storey extension and a detached pitched roof outbuilding. The previous application showed the two storey element of the scheme stepped in by 600mm but this application seeks to bring the wall out flush with the single storey extension.

The application is being presented to Planning Committee as the Applicant is a Member of Staff.

## Site Description

The property is semi-detached and is finished in part render and part brick work under a tiled roof. The existing store and outside toilet will be demolished to make way for the extension. Along the boundary of the adjacent property, 8 Fremantle Road there is a single storey extension which projects from the rear of the property. The mono pitch of the roof slopes in towards number 8 and therefore the highest part of the roof is the Applicant's side. Part of the proposed outbuilding will be built alongside this extension.

## Relevant Planning History

38/16/0141 - Erection of two storey and single storey extension 28.06.16	Approved
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to the rear and the erection of a detached store

## Consultation Responses

No response received.

## Representations Received

No response received.

## Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

DM1 - General requirements,  
H17 - Extensions to dwellings,

## **Local finance considerations**

Not payable in this instance.

## **Determining issues and considerations**

The proposed two storey part of the extension is set away from the boundary with the adjacent neighbour and therefore, there is no impact in terms of loss of light on this property, particularly given the orientation. Whilst the single storey element is proposed alongside the boundary it is set off the boundary in order that no encroachment should occur. Part of the proposed outbuilding will be screened by the extension already along the boundary at the neighbouring property. The design and neighbour impact are both considered to comply with policy and therefore the scheme is considered to be acceptable and is recommended for approval.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

**Contact Officer: Mrs S Melhuish**

**E/0253/31/15**

Alleged unauthorised installation of external extract ducting at Ruishton Inn, Cheats Road, Ruishton

**OCCUPIER:**

**OWNER:** WADWORTH & CO LTD  
41-45 NORTHGATE STREET, DEVIZES, WILTSHIRE  
SN10 1JW

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## **Purpose of Report**

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of the unauthorised extraction flue from the building.

## **Recommendation**

The Solicitor of the Council be authorised to service an Enforcement Notice and take prosecution action subject to sufficient evidence being obtained that the notice has not been complied with.

The Enforcement Notice shall require:

- Remove the unauthorised extraction ducting from the building.

Time for compliance:

- 2 months from the date on which the notice takes effect.

## **Relevant planning history**

31/15/0020 installation of external extraction ductwork to the east elevation at Ruishton Inn, Cheats Road, Ruishton REFUSED.

31/16/0005 Installation of external extraction ductwork to the east elevation at the Ruishton Inn, Cheats Road, Ruishton (resubmission of 31/15/0020). APPROVED

## **Development Plan Policies**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2004), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

### National Planning Policy Framework

Paragraph 55

Para 207 – Enforcement

## **Determining issues and considerations**

Extract ducting was installed on the building and modified in 2015 to comply with gas regulations. This work was unauthorised in planning terms. Complaints have been received from the neighbouring property regarding noise and vibration from the unauthorised development. The existing extractor is positioned very close to the north boundary wall and as such there has been disturbance to the adjoining occupants.

The owner of the site submitted an application for an alternative ducting scheme in late 2015. This proposal was not considered acceptable and was refused. The owner's agent then developed an alternative scheme that positions the outlet away from the boundary wall to reduce odour and noise disturbance to the adjoining property. This new scheme was approved in June 2016 and included advice that the works should be carried out within 2 months of the date of issue in order to rectify the breach of planning control. This date has now passed and the agent has stated that they hope to have the works carried out by the end of October.

Officers are concerned that the matter has been ongoing for some time and wish to ensure that there is a clear direction given to the owner of the site that the unauthorised development needs to be rectified in accordance with the new planning permission. To this end authority is sought to issue an enforcement notice to ensure that the works are carried out.

The existing extraction ductwork, by virtue of its size, and siting, is considered to have unacceptable impact upon the character and appearance of the building and the amenities of adjoining occupiers and is contrary to Policy DM1 (d & e) of the Taunton Deane Core Strategy.

**In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human Rights Act 1998**

**PLANNING OFFICER:**

**PLANNING ENFORCEMENT OFFICER: Christopher Horan**

**CONTACT OFFICER: Christopher Horan, Telephone 01823 356466**

## **ATTACH DECISIONS**

### **Appeal Decisions – 21 September 2016**

**Site:** Garnsey Farm, Lower Knapp Farm, North Curry, Taunton, TA3 6BQ

**Proposal:** PRIOR APPROVAL FOR PROPOSED CHANGE OF USE FROM AGRICULTURAL BUILDING TO DWELLING HOUSE (USE CLASS 3) AND ASSOCIATED BUILDING OPERATIONS AT GARNSEY FARM, LOWER KNAPP LANE, KNAPP, NORTH CURRY

**Application number:** 24/15/0033

#### **Reasons for refusal**

The Local Planning Authority considers that the proposed development is not permitted development as it does not comply with the limitations or restrictions set out in Schedule 2, Part 3, Class Q, paragraph Q.1 of the Town and Country Planning (General Permitted Development)(England) Order 2015 in that;

(a) the site was not used solely for an agricultural use, as part of an established agricultural unit on 20<sup>th</sup> March 2013.

**Appeal decision: Dismissed**

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**Site: SOMERSBY LODGE, LANGALLER LANE, CREECH ST MICHAEL, TAUNTON, TA2 8DA**

**Proposal:** ERECTION OF 4 No. DETACHED DWELLINGS WITH ASSOCIATED WORKS IN THE GARDEN TO THE REAR OF SOMERSBY LODGE, LANGALLER LANE, CREECH ST MICHAEL

**Application number: 14/15/0027**

#### **Reasons for refusal**

The proposed development, particularly as a consequence of the location of the proposed access point would impact upon the setting of the listed building and the amount of development proposed would detract from the historic pattern of the settlement. The proposal would result in less than substantial harm to the setting of the listed building. However, given the limited public benefits that would arise from the development, these are not considered to outweigh this harm identified and the proposal is, therefore, contrary to Policy CP8 of the Taunton Deane Core Strategy.

**Appeal decision: Dismissed**

**Site: PIXFORD FRUIT FARM, RALEIGHS CROSS ROAD, COMBE FLOREY, TAUNTON, TA4 3HS**

**Proposal:** CONSTRUCTION OF SOLAR FARM FOR UP TO 5MW OF GENERATING CAPACITY COMPRISING OF INSTALLATION OF SOLAR PHOTOVOLTAIC ACCESS TRACKS, FENCING AND CCTV ON LAND AT PIXFORD FRUIT FARM, RALEIGHS CROSS ROAD, COMBE FLOREY

**Application number:** 02/15/0006

**Reasons for refusal**

The proposed development, by reason of its size and form would introduce an alien feature into a rural landscape. By reason of the location of the site and its open nature, it is considered that no amount of new landscaping could adequately assimilate the development into the rural landscape, contrary to Policy CP1 of the Taunton Deane Core Strategy.

**Appeal decision: Dismissed**

**Site:** The Range, Hankridge Way, Taunton

**Proposal:** Display of 4 No non illuminated panels with digital graphics at The Range, Hankridge Way, Taunton

**Application number:** 48/15/0069

**Reasons for refusal**

The proposed advertisements, by virtue of their prominent position on the roof tower structure, would appear unduly prominent within the skyline, causing significant harm to the character and appearance of the property and the visual amenity of the area. The proposal is therefore contrary to Policy DM1 of the Taunton Deane Core Strategy (2012), saved Policy EC26 of the Taunton Deane Local Plan (2004) and the guidance contained within the Taunton Deane Advertisement Control Policy Guidance.

**Appeal decision: Dismissed**

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## Appeal Decision

Site visit made on 12 July 2016

**by Rory Cridland LLB (Hons)**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 23 August 2016**

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**Appeal Ref: APP/D3315/W/16/3148147**

**Hay Store, Garnseys Farm, Knapp, North Curry, Taunton, Somerset TA3 6BQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
  - The appeal is made by Mr M Dykes against the decision of Taunton Deane Borough Council.
  - The application Ref 24/15/0033/CQ, dated 12 Aug 2015, was refused by notice dated 13 October 2015.
  - The development proposed is described as "proposal is to convert existing agricultural barn which is no longer viable with modern handling equipment into a 2 bedroom dwelling".
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the site was, at the Relevant Date, used solely for an agricultural use as part of an established agricultural unit.

### Reasons

3. Paragraph Q.1 of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2015 ("the Order") permits the change of use of an agricultural building to a residential dwelling, together with building operations reasonably necessary to convert it. However, paragraph Q.1(a)(i) of the Order excludes such development if the site was not used solely for an agricultural use as part of an established agricultural unit on 20<sup>th</sup> March 2013 ("the Relevant Date").
  4. The Council accepts that the building forms part of an established agricultural unit. However, it argues that, as a result of the works previously carried out, the barn can no longer be said to be used solely for an agricultural use. Furthermore, as these works were carried out before the Relevant Date, the proposal is excluded from permitted development under Paragraph Q.1 (a)(i) of the Order.
  5. The appeal property consists of what was originally an agricultural barn, laid out in an L-shape and constructed mainly of stone. It incorporates stone columns to the front, the space between which would originally been open.
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Alterations to the building have resulted in these spaces being closed which has significantly eroded the building's agricultural appearance.

6. It is clear from the evidence submitted and my on-site observations that the barn has undergone significant alterations to the original building. It has benefitted from a new roof, which I understand was put on as a result of weather damage, the enclosure of its original, mostly open elevation and the installation of windows, doors and UPVC guttering. Although I note that many of these alterations may have been made in order to make the building secure, together they have resulted in changes which significantly limit the agricultural purposes for which it could be used. Internally, while I was unable to access the main section due to the stored hay, the part of the building where access was possible did not appear to be capable of performing any meaningful agricultural function.
7. The appellant asserts that it is used for the storage of agricultural tools. However, while I note that many of the items being stored there were agricultural in nature, there were many others which were not and I had the distinct impression that the area was being used for the storage of both agricultural and domestic equipment and paraphernalia. Furthermore, although I noted on site that part of the building was being used for the storage of hay, which the appellant has indicated has been the case since February 2013, in view of the obvious difficulties involved in its removal and replacement, it is clear that such a use would pose a number of practical difficulties. In any event, it would not be sufficient to establish sole agricultural use.
8. I note the various letters submitted by the appellant which support the proposal and indicate that the use of the building has been solely agricultural. However, although they provide support for the appellant's position, they are insufficient to overcome the physical characteristics of the building - being one which is more residential in nature than agricultural.
9. Accordingly, I find that the building was not used solely for agricultural purposes on the Relevant Date and, as such, is excluded from the Class Q Permitted Development regime by paragraph Q.1(a)(i) of the Order.

### **Conclusion**

10. For the reasons set out above, I conclude that the appeal should be dismissed.

*Rory Cridland*

INSPECTOR

## Appeal Decision

Site visit made on 5 July 2016

**by Rory Cridland LLB (Hons)**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11 August 2016**

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**Appeal Ref: APP/D3315/W/16/3146733**

**Somersby Lodge, Langaller Lane, Creech St Michael, Taunton TA2 8DA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr R Lamb against the decision of Taunton Deane Borough Council.
  - The application Ref 14/15/0027, dated 23 September 2015, was refused by notice dated 8 January 2016.
  - The development proposed is the erection of 4no. dwelling houses.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of 4 dwelling houses at Somersby Lodge, Langaller Lane, Creech St Michael, Taunton TA2 8DA in accordance with the terms of the application, Ref 14/15/0027, dated 23 September 2015, subject to the conditions set out in the attached Schedule.

### Preliminary matter

2. As part of this appeal, the appellant submitted an alternative plan (Drawing No: 3548/PL/01 Rev B) which relates to site layout. The Council has confirmed that it has no objection to its inclusion and, while I note the concerns of neighbouring residents, I do not believe that any party would be unfairly prejudiced by my determining the appeal with regard to it.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area and the setting of nearby heritage assets.

### Reasons

4. The proposal would involve the erection of 4 dwellings to the side of Somersby Lodge, in an area currently consisting of tennis courts associated with that dwelling. The surroundings settlement is characterised by its historical appearance, although a number of properties benefit from subsequent additions including swimming pools and tennis courts, which have to some extent eroded this historical character. Along the boundary of the site are a number of protected trees which would be retained as part of the proposal and would provide screening of the development from the nearby road. Opposite the site of the proposed entrance is Langaller House, a Grade II listed 17<sup>th</sup> century farmhouse with roughcast render and a thatched roof, the side elevation of which abuts the road.
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5. Although the proposal would create an accessway directly opposite Langaller House and would result in the loss of part of the existing vegetation, the Council's conservation officer is satisfied that the development would cause less than substantial harm to the setting of that heritage asset.
6. I agree with that assessment. Neither the proposed dwellings nor the accessway will be visible when travelling north east along Langaller Lane, the direction from which the setting of Langaller House is most evident. As the appellant's heritage statement indicates, they will not be read in conjunction with the listed building. As such, the visual impact of Langaller House and its setting, when viewed from this direction, will remain largely unchanged. Similarly, when nearing Somersby Lodge, the surrounding features add little to the overall setting of Langaller House and although the access would be seen, any detriment to the visual aesthetic of the heritage asset or its setting would be greatly reduced.
7. While I note the Council's concern that the proposal would result be detrimental to the historic settlement pattern of Langaller, there appears little coherence in the existing layout. Furthermore, in view of their limited visibility, I do not consider the addition of the proposed dwellings would have any material impact on the prevailing pattern.
8. Moreover, while I acknowledge that the damage to the road surface might result in water and mud being sprayed against the wall of Langaller House, this would be the case irrespective of the development. While I accept that an increase in traffic along this section of road might exacerbate this problem, I do not regard the levels of traffic likely to result from the proposed development to be sufficiently large to increase the impact to any material extent.
9. Concerns have also been raised by third parties that the development would impact on the setting of the nearby Langaller Cottage, which I am informed is also listed as a heritage asset. Although I have not been provided with a copy of its listing, in view of its separation from the proposed dwellings, the screening proposed and the limited views available, I do not consider it would have any impact on that property or its setting.
10. I therefore agree with the conservation officer's view that any harm will be less than substantial. In accordance with Paragraph 132 of the National Planning Policy Framework ("the Framework"), this should be given great weight. However, in such cases, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
11. The proposal will provide an additional 4 units of accommodation within the defined settlement boundary, a number that while modest, contributes to an identified housing shortfall in the area. In view of the limited impact on the nearby heritage assets, I consider the public benefits of this contribution to outweigh the limited harm which would result.
12. Consequently, I find no conflict with Policy CP8 of the Taunton Deane Core Strategy<sup>1</sup> which, amongst other things, seeks to conserve and enhance the historic environment.

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<sup>1</sup> Taunton Deane Borough Council Adopted Core Strategy 2011-2028

### **Other matters**

13. In reaching my decision I have had particular regard to the comments made by neighbouring residents. While I am mindful that the proposed scheme would alter the settlement of Langaller by increasing the number of dwellings, in view of the screening proposed any detrimental impact likely to result would be limited.
14. Furthermore, while I acknowledge that large amounts of vehicular traffic can have negative impacts on the living conditions of neighbouring occupiers and their enjoyment of their dwellings, the number of additional movements which would be likely to result would not materially alter the present situation and levels of disturbance would be kept within acceptable levels. Likewise, the concerns expressed in relation to flooding can be guarded against by means of a condition requiring the submission of further details regarding surface water drainage such as that proposed by the Council. Those which relate to the safety of workmen carrying out repairs to the roof of neighbouring Langaller House would not provide sufficient grounds to refuse planning permission.
15. Moreover, while I note that the land to the north of the site has been identified as 'non developable' by the Council in its Strategic Housing and Employment Land Availability Assessment, this does not include the land forming the appeal site and I have seen nothing which would lead me to conclude that the appeal site should be identified as such.

### **Conditions**

16. I have considered the various planning conditions that have been suggested by the Council. Those relating to materials and sampling are appropriate in the interests of character and appearance. In addition to the standard time condition, a condition requiring the development to be carried out in accordance with the approved plans is necessary in the interests of proper planning and for the avoidance of doubt.
17. A condition requiring further details on the proposed drainage is necessary in the interests of flood mitigation while those relating to the visibility splays, surface treatment of the access road and the proposed layout are necessary in the interests of highway safety.
18. Similarly, I consider a condition requiring the mitigation and enhancement measures provided in sections 5 & 6 of the Ecological Impact Assessment as reasonable in order to secure the protection of wildlife.
19. In view of the protected trees which sit along the boundary of the site, I consider a scheme for the protection of the trees to be retained as necessary in order to secure their protection which should include adequate details regarding any proposed trenching works within the canopy spread of existing trees.
20. However, while I note the condition requiring the submission of a written scheme of archaeological investigation, the Council has provided limited justification for imposing such a requirement. Furthermore, I have seen no robust evidence which would indicate that the site is of any archaeological interest or would be classified as an Area of High Archaeological Potential. As such I cannot be satisfied that such a condition is reasonable or necessary in the circumstances.

21. A number of these conditions need to be discharged before work commences on site as these relate to matters which need to be resolved on a fully coordinated basis.

**Conclusion**

22. For the reasons set out above I conclude that the appeal should be allowed.

*Rory Cridland*

INSPECTOR

**SCHEDULE**

## Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Dr No 3548/PL/09 Rev A
  - Dr No 3548/PL/08
  - Dr No 3548/PL/07
  - Dr No 3548/PL/06
  - Dr No 3548/PL/05
  - Dr No 3548/PL/04
  - Dr No 3548/PL/03 Rev A
  - Dr No 3548/PL/02 Rev A
  - Dr No 3548/PL/01 Rev B
- 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 4) No development of a building/s shall take place until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
- 5) Prior to the commencement of development full details of the surface water drainage shall be submitted to and approved in writing by the local planning authority and shall thereafter be implemented as approved.
- 6) The development shall be carried out in accordance with the mitigation and enhancement measures set out in Sections 5 & 6 of the Ecological Impact Assessment (dated Aug 2015) submitted as part of the application.
- 7) No development shall take place until details of visibility splays have been submitted to and approved in writing by the local planning authority. The visibility splays shall be implemented in accordance with the approved details and thereafter kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.
- 8) Prior to first occupation of the dwellings hereby permitted, the access road shall be constructed in accordance with details that have first been submitted to and approved in writing by the local planning authority. Such details shall include the surface treatments, footpaths, paving, verges, junction, lighting, drains, vehicle overhang margins and gradients

and construction shall be carried out in accordance with the approved details.

- 9) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan), and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

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# Appeal Decision

Site visit made on 24 May 2016

**by R C Kirby BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 30 August 2016**

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**Appeal Ref: APP/D3315/W/16/3142598**

**Pixford Fruit Farm, Raleighs Cross Road, Combe Florey, Taunton TA4 3HS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Blackstock Farms Ltd against the decision of Taunton Deane Borough Council.
  - The application Ref 02/15/0006, dated 19 June 2015, was refused by notice dated 1 December 2015.
  - The development proposed is a solar farm of up to 5MW of generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure including transformer cabins, sub station buildings, access tracks, fencing and CCTV.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the rural landscape of the area. This analysis needs to take place in light of any benefits the proposal might bring forward.

## Reasons

### *The Policy Background*

3. An objective of Policy CP1 of the Adopted Core Strategy 2011-2028 (CS) is that development proposals should result in a sustainable environment. It states that proposals for renewable and low carbon sources of energy will be considered favourably provided that the scale, form, design, materials and cumulative impacts of the scheme can be satisfactorily assimilated into the landscape and that harm would not be caused to the character of the area; that the impact on the local community, economy, nature conservation and historic interests does not outweigh the economic and wider environmental benefits of the proposal, and that provision is made for the removal of the facilities and reinstatement of the site should the development cease to be operational.
4. Although not referred to within the Council's decision notice, the appellant has drawn my attention to a number of other policies<sup>1</sup> which they consider are relevant to the proposal. The underlying objective of these policies is the

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<sup>1</sup> COR2, COR5, SD1, DM1, DM2, DM5, CP8 of the Core Strategy

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- presumption in favour of sustainable development, with protection given to wildlife and heritage interests and public health and safety.
5. The policies referred to by both parties broadly reflect the National Planning Policy Framework's (the Framework) general approach as set out in its core planning principles. In particular, the account that should be taken of the different roles and character of different areas; the recognition of the intrinsic character and beauty of the countryside; the support given to the transition to a low carbon future; the securing of a good standard of amenity for all existing and future occupants of land and buildings; and the conservation and enhancement of the natural environment. Paragraph 93 of the Framework states that planning plays a key role in, amongst other matters, supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
  6. The Planning Practice Guidance (PPG) provides further guidance in respect of solar farms, advising that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, it continues that the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.
  7. Ministerial letters (ML) dated 1 November 2013 and 22 April 2014 support renewable energy technologies and recognise that such technologies, including solar PV will help the United Kingdom (UK) to meet its renewable energy targets. The UK Solar Strategy Part 2: Delivering a Brighter Future (April 2014) sets out advice in relation to large scale ground mounted solar PV farms and suggests that local planning authorities will need to consider, amongst other things, to focus such development on previously developed and non-agricultural land, provided it is not of high environmental value. Where the site is greenfield land, poorer quality land should be utilised in preference to higher quality land. The proposal should allow for the continued agricultural use of the land and/or encourage biodiversity improvements around arrays. The Strategy also states that the visual effect of the proposal should be considered.

#### *Landscape Impact*

8. The appeal site comprises a gently sloping agricultural field of approximately 6.8 hectares. It is largely enclosed by mature hedgerows and trees. The proposal seeks the installation of photovoltaic panels laid out in arrays across approximately 30% of the site. The panels would be fixed with a maximum height above ground level of approximately 2.4 metres. There would also be associated equipment, including inverters and transformers, equipment housing, internal tracks, security fencing and security cameras.
9. There is no dispute between the main parties that the site has no national landscape designation. The Quantock Hills Area of Outstanding Natural Beauty (AONB) lies to the north east of the appeal site at a distance of approximately 2.2 kilometres; the Exmoor National Park lies to the north-west, at a distance of approximately 7.2 kilometres.
10. The appeal site is located within the Vale of Taunton and Quantock Fringes national character area (146). At a local level, it is within the Taunton Deane Landscape Character Assessment Area Type 3A – Quantock Fringes and West

Vale Landscape Character Area. This is a landscape with an undulating, rolling topography, characterised by agricultural farmland of medium to large regular fields, surrounded by mature hedgerows, linear trees belts, mature trees, small copses and woodlands. The farmland is interspersed with settlements – from larger villages to hamlets and individual farms. Roads within the area are generally minor and are often sunken. These assessments largely reflect the observations I made on my site visit.

11. The appeal site is gently sloping from the north-west to south-east. A pond, surrounded by mature trees is situated towards the south-eastern section of the site. There are agricultural buildings located to the south-east of the appeal site. The surrounding area is well served by public footpaths, some of which I walked on my accompanied site visit. The Quantock Hills form a prominent backdrop to the appeal site to the north-east.
12. From Lydeard Hill and from Cothelstone Hill which are within the AONB, the appeal proposal would be visible. However, this would be at a distance and whilst the proposal would change the colour of the fields within which it would be sited to a greyish blue, the site would be small in the wider panorama. From these vantage points, I find that the scheme would successfully integrate into the surrounding landscape. The scheme's impact on views from the AONB would not be significant.
13. The Council and AONB Service are concerned about the cumulative impact of the scheme with other solar schemes in the locality, particularly with regards to views looking towards and from the Quantock Hills. This issue is assessed in the appellant's Landscape and Visual Impact Assessment (LVIA). A total of 15 operational and consented schemes were identified within the study area, with the closest operational scheme being at Sandhill Park, 0.7 kilometres from the appeal site and the furthest away on land to the south of Sandy Moor Road at 6.9 kilometres distant.
14. From viewpoint 7 on Cothelstone Hill, 5 of the consented schemes are indicated. However, whilst I acknowledge that my site visit was made when there were leaves on the trees, I was unable to identify the individual schemes within the valley below the hill. The combination of distance, the undulating landscape and mature vegetation resulted in these schemes not being viewed together. The impact of the consented schemes would be likely to be greater in the winter months, however given the scale of the schemes and the intervening distance, it is unlikely that the schemes would be perceived together. In light of this, I find that the cumulative effect of the proposal with other schemes in the area would not be harmful to the setting of the AONB or landscape character of the area. The views from the Quantock Hills would continue to be dominated by a network of fields and vegetation, as opposed to being dominated by solar schemes.
15. However, the introduction of solar arrays, along with ancillary structures and high fencing would undoubtedly change the open, undeveloped character of the appeal site from a predominantly undeveloped pastoral landscape to one incorporating man made structures that are not characteristic of the area. This would be particularly apparent from the network of public rights of way in the area particularly those closest to the site, including those adjoining the site to the north, east and south, and from the footpath leading to Ash Wood.

16. At present the views from these public rights of way are across open, undulating fields, enclosed by hedgerows, comprising an attractive, largely unspoilt landscape. The proposed development, with a close presence of solar panels beyond a security fence, would alienate the foreground landscape from its surroundings with the constituent elements having a highly intrusive presence from these footpaths.
17. I note that the appellant proposes to plant a new native hedge along the eastern and northern boundary of the site, which would ultimately reduce the scheme's impact on the footpath to the east and north of the site. However, this would take some time to mature and form an effective screen to the development. In the short term, the solar arrays would be prominent in view to users of these footpaths.
18. Although unlikely to be viewed in its entirety, parts of the scheme would be visible at a medium range from footpaths further away from the appeal site, particularly those that are elevated relative to the appeal site. The scheme would be an alien intrusion in the landscape, particularly when viewed from the footpath to the south of the site (viewpoint No 2 of the appellant's Zone of Theoretical Visibility Figure 7) and from the path leading to Ash Wood. The management of the hedgerow at a height of 3 metres and the proposed landscaping upon the site would not allow the elevated parts of the scheme to be successfully assimilated into the landscape when viewed from these routes. The scheme would have an industrialising effect upon this attractive area of countryside. As such there would be conflict with CS Policy CP1.
19. The appellant has drawn my attention to a solar scheme at Lethbridge Park where the Council considered that the relationship of the scheme was acceptable with public footpaths in the locality. I do not have detailed drawings of this scheme or the particular circumstances of that case. As such I am unable to ascertain if it is directly comparable to that before me. I am therefore only able to attach limited weight to it in my overall Decision. In any event, each planning application and appeal must be determined on its individual merits, and this is the approach that I have adopted.
20. I note that the appellant concludes that the overall visual impact of the scheme would have a neutral impact on the landscape character of the area. However, for the reasons given, I do not agree with this assessment. Whilst the impact of the proposed development would be localised, I find that significant harm would be caused to the character and appearance of the landscape within the vicinity of the appeal site, and as a consequence its enjoyment by users of the affected public rights of way. This landscape harm brings the scheme into conflict with CS Policy CP1; and the landscape and natural environment objectives of CS Policies DM1 and CP8. There would also be conflict with the character and natural environment core planning principles of the Framework.

#### *Benefits of the Proposal*

21. A core planning principle of the Framework is to support the transition to a low carbon future in a changing climate, and amongst other things, encourage the reuse of existing resources and encourage the use of renewable resources, including the development of renewable energy. Paragraph 98 of the Framework recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions and the Framework advises

that applications should be approved<sup>2</sup> if their impacts are (or can be made) acceptable. The support that CS Policy CP1 gives to renewable and low carbon sources of energy generation is consistent with the Framework in this respect.

22. In this context, the renewable energy generating potential of the proposal would be in the region of 5 megawatts, which is sufficient to provide electricity for up to 1,525 dwellings. This is a matter that attracts considerable weight in favour of the proposal.
23. Furthermore, the proposal would have economic benefits and would assist with rural diversification. This accords with the Framework, which advises that planning policies should support economic growth in rural areas through the development and diversification of agricultural and other land-based businesses. Jobs would be created both directly and indirectly as a result of the proposal.
24. Social benefits of the proposal include the supply of local electricity to the local grid, supplying local homes and businesses. The proposal would also make a contribution to the UK's energy security and assist in helping to meet its renewable energy targets.
25. The site would not be lost to agriculture; seasonal grazing is proposed and the temporary nature of the proposal (25 years) would allow the site to be used for agriculture once the scheme was removed from the site. The new landscaping and seeding of the site with a native wildflower and grass seed mix would be likely to have biodiversity benefits and this matter weighs in the scheme's favour. These environmental benefits attract moderate weight.

### **Conclusion**

26. The proposal would bring considerable benefits in terms of the generation of renewable energy and it would assist in agricultural diversification. However, even though the proposal is expected to have a life span of 25 years, and is largely reversible, in my judgement, the benefits of the scheme would be outweighed by the significant adverse impact that would result in landscape terms. These impacts are not acceptable and on the basis of the evidence before me, cannot be made acceptable. The planning officer's support for the scheme is not good reason to allow a scheme that would cause harm to the landscape character of the area, in conflict with local and national planning policies.
27. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

*R C Kirby*

INSPECTOR

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<sup>2</sup> Unless material considerations indicate otherwise

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## Appeal Decision

Site visit made on 15 August 2016

**by Kenneth Stone BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 1 September 2016**

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**Appeal Ref: APP/D3315/Z/16/3147092**

**The Range, Hankridge Way, Taunton TA1 2LR**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by CDS Superstores International Ltd against the decision of Taunton Deane Borough Council.
  - The application Ref 48/15/0069/A, dated 15 December 2015, was refused by notice dated 16 February 2016.
  - The advertisements proposed are 4 non illuminated panels with digital graphics.
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. The advertisements the subject of this appeal were being displayed at the time of my visit.
3. Advertisements are regulated by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 as amended (the Regulations). Regulation 3 requires that a local planning authority shall exercise its powers under the regulations in the interests of amenity and public safety, taking into account – (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors. The National Planning Policy Framework (the Framework) advises that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. I have determined this appeal on this basis and having regard to the advice in the Planning Practice Guidance (PPG) related to these matters.

### Main Issues

4. The main issue is the effect of the proposed advertisements on the character and appearance of the host building and surrounding area.

### Reasons

5. The building on which the advertisements are sited is part of a modern purpose built retail out-of-centre development. The building contains a variety of operators all of which have advertising on the building frontage to some degree or another. The existing advertisements are primarily focused below the eaves line at a lower level and none above the ridge line of the main building.
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6. The proposed signage provides an identical advert on each face of the upper element of a square tower feature of the building, the adverts would be visible over a wide area from within the retail park, adjoining buildings and surrounding highways.
7. Whilst the wider area is commercial in nature and contains a number of large scale buildings and advertisements of a commensurate scale, including on the building containing the advertisements the subject of this appeal, the Councils Advertisement Control Policy Guidance seeks to ensure adverts in Business Parks, including this, shall not be placed in over prominent positions or conflict with any architectural feature of a building. The appeal signage has been located such that it shrouds an important architectural feature, the tower, as it is applied to all sides of the tower such that it envelopes the feature distracting from the material composition and its relationship with the building and overwhelms the feature, drawing inappropriate attention to it. Whilst the signage is not illuminated the colour, scale form and material change significantly the contribution the tower makes to the appearance of the building. Given the high level nature of the location this is extremely prominently sited. On the basis of the above I conclude that the advertisements would harm the character and appearance of the host building and the surrounding area.
8. I have taken into account saved policy EC26 of the Taunton Deane Local Plan which seeks to control advertisements in the interest of amenity and public safety and so is material in this case. Given that I have concluded that the advertisements would harm amenity, the proposal conflicts with this policy.
9. The appellant suggests that the sign is required for the long term trading success of the store, given the site's position. However this is not a matter related to either amenity or public safety and is not a material matter in the determination of an advert application. Similarly concerns expressed about the content of the signage no longer being required, as the premises have been open for some time, are not relevant to my determination either.
10. The Council have concluded that the sign would not provide a significant distraction to road users and there is no objections to the scheme from Highways England, I see no reasons to disagree with these conclusions.

### **Conclusions**

11. For the reasons given above I conclude that the display of the four non illuminated advertisements harms that character and appearance of the host building and the surrounding area and are thereby detrimental to the interests of amenity. The appeal is therefore dismissed.

*Kenneth Stone*

INSPECTOR