

Site: 4 MINEHEAD ROAD, BISHOPS LYDEARD, TAUNTON, TA4 3BS

Proposal: Erection of a single storey extension to the front elevation of 4 Minehead Road, Bishops Lydeard

Application number: 06/17/0029

Reasons for refusal: 4 Minehead Road, Bishops Lydeard is a semi-detached property, on a level site and finished in render under a roof of double roman clay tiles. This property was built as one of four pairs of matching red brick semis with matching gabled roof slopes to the side elevations, originally built symmetrically down their mid point, presenting an identical and harmonious appearance on the street scene. No.4 has had the addition of a front porch projecting 1m off the principle elevation, the design of which, it is considered, has had an adverse impact upon the form and character of the dwelling and damages the balance of the properties and the street scene. This proposal to add a second ground floor front extension that projects 2.2m off the principle elevation and with a roof height that reaches higher than the sills of the first floor window, will only add to the incongruity of the altered form and character of the dwelling and compound the significant adverse impact of the previous extension on the dwelling and the street scene. For these reasons the proposal is considered to harm the form and character of the dwelling and street scene, is not subservient in design and therefore fails both parts of Criteria A of Policy D5 of the Taunton Site Allocations and Development Management Plan (2016).

Appeal Decision: Dismissed.

Site: SEAFIELD, WEST BUCKLAND, WELLINGTON, SOMERSET, TA21 9LW

Proposal: Prior approval for proposed change of use from agricultural building to dwelling house (Class C3) and associated building operations at Seafield, West Buckland

Application number: 30/17/0024CQ

Reasons for refusal: The Local Planning Authority considers that the building was not used solely for an agricultural use as part of an established agricultural unit on 20 March 2013. Therefore the proposed development does not comply with the limitations or restrictions set out in Schedule 2, Part 3 Class Q paragraph Q1(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 and is not permitted development.

Appeal Decision: Dismissed



Appeal Decision

Site visit made on 20 March 2018

by **S Rennie BA (Hons) BSc (Hons) MA MRTPI**

Appeal Ref: APP/D3315/D/17/3192494

4 Minehead Road, Bishops Lydeard, Taunton, Somerset TA4 3BS

- 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 Roger Bush against the decision of Taunton Deane Borough Council.
 - The application Ref 06/17/0029, dated 9 August 2017, was refused by notice dated 10 October 2017.
 - The development proposed is a single storey extension to the front elevation of the existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

3. No 4 Minehead Road is a semi-detached house which forms part of a row of four pairs of almost identical semi-detached houses. No 4 has been previously extended, including a porch to the front. The proposal for a single storey front extension would, in combination with the existing porch, extend across the full width of the front elevation. The extension would also be a prominent addition to the house facing the road and visible from the public realm.
4. The semi-detached pairs of houses are well proportioned and have a pleasing symmetry inherent in their design and appearance. The size and prominence of the proposal on the front elevation would have an unbalancing effect, detrimental to the appearance of these dwellings. This pair, and the others like them, is important to the street character. Therefore, the incongruous addition of a prominent front extension would also diminish the visual quality and the appearance of the wider street scene.
5. I acknowledge the existing porch was granted planning permission. However, the proposed extension would be a significantly larger addition, with increased width, depth and height over that of the existing porch. As such, the existing porch does not justify the proposed extension.

6. I saw the two recently built properties fronting Minehead Road which have ground floor front projections over the integral garages. However, these new dwellings are detached and have a substantially different design to No 4. It is also acknowledged that the large outbuilding at No 1 Minehead Road projects further towards the edge of the public road than the proposed extension. Nevertheless, that is a different form of development to the one I am considering. These differences mean I attach little weight to the other developments and, in any event, I must consider the appeal scheme on its own merits.
7. The proposal would therefore be contrary to the objectives of policy D5 of the Taunton Site Allocations and Development Management Plan, particularly Criterion A, which seeks, amongst other things, to ensure against harm to the form and character of dwellings as a result of extensions and prevent harmful impacts to the surrounding areas, including the street scene.

Other Matters

8. I am aware there were no objections to the scheme from neighbours and the Parish Council supported it. However, this lack of objection does not in itself change my findings based on the planning merits of the case.
9. A lack of communication with the Council through the planning application procedure is a separate matter away from this appeal which also does not affect the assessment of the merits of the proposed extension, and so I attach little weight to these comments.

Conclusion

10. For the above reasons the appeal should be dismissed.

Steven Rennie

INSPECTOR



The Planning Inspectorate

Appeal Decision

Site visit made on 26 March 2018

by Thomas Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th April 2018

Appeal Ref: APP/D3315/W/17/3186810

Seafeld, West Buckland, Wellington, Somerset TA21 9LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended 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 as amended (the 'GPDO').
 - The appeal is made by Mr Andy Wallwork against the decision of Taunton Deane Borough Council.
 - The application Ref 30/17/0024/CQ, dated 3 July 2017, relates to a refusal notice dated 1 September 2017.
 - The development proposed is described in the Council's decision notice as the 'change of use from agricultural building to dwelling house (Class C3) and associated building operations'.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Notwithstanding the description of development given in the banner heading above, it is disputed whether the relevant building may accurately be described as in agricultural use on 20 March 2013 within the terms of the GPDO. I have therefore simply referred to it as 'the building'.
3. Each proposal must be determined on its particular merits. Nevertheless I have taken account of the planning and sales history of the building and surrounding land in so far as it is now relevant.¹ In particular my attention has been drawn to records of enforcement investigations undertaken by Taunton Deane Borough Council ('TDBC') around March 2014 and January 2015, a previous proposal for change of use refused consent in September 2014 (Ref 30/14/0035/CMB), and valuation or sales particulars from September 2012 and from 2015.
4. I note the appellant's points regarding the veracity of certain representations related to the proposal (which are intertwined with the history of the site noted above). Taking account of those points, my decision focusses on the planning considerations and evidence relevant to the scheme before me.

Legislative context

5. The proposal relates to Schedule 2, Part 3, Classes Q(a) and (b) of the GPDO, which enable the change of use and conversion of agricultural buildings to dwellinghouses (subject to certain limitations and conditions).

¹ The appeal site (the 'site') includes the building and an element of nearby land (plan No 17.18.04).

6. Schedule 2, Part 3, Paragraph W(11) of the GPDO specifies the circumstances under which development permitted via Class Q may begin. Paragraph W(11)(c), one such circumstance, is where a period of 56 days has elapsed between an application being received by a local planning authority without the appellant having been notified whether prior approval is given or refused.
7. The appellant contends that TDBC failed to notify him within the 56 day period, and that the appeal should succeed on that basis. The appellant sets out, even had the decision notice been received on 2 September 2017, this would have been 57 days from the date on which TDBC determined that the application was valid (7 July 2017).
8. Whilst the appellant was aware of TDBC's intended decision by 31 August 2017,² there is no indication that he was actively notified of this before his receipt of the decision notice by post on 6 September 2017. Moreover the 56 day period runs from the date on which a local planning authority receives an application (rather than from validation).
9. However the failure of TDBC to notify the appellant of their intended refusal of prior approval in accordance with the provisions of paragraph W(11)(c) of the GPDO does not have the effect of granting consent for any development. In order to be permissible, proposed development must be fully within the description of what is permitted by GPDO classes Q(a) and Q(b), rather than representing development outside of it. The provisions of paragraph W(11)(c) are only engaged as a condition of development being permitted in the first instance.
10. Therefore the circumstances here differ from those in appeal Ref APP/K0235/W/15/3131672 cited by the appellant. In that case there was no dispute between the main parties that the proposal accorded with relevant requirements such that it was permitted development. As explained subsequently, the failure of TDBC to notify the appellant that prior approval was refused within 56 days does not justify allowing the appeal.

Main issue

11. Schedule 2, Part 3, paragraph Q.1(a) of the GPDO specifies that development under Class Q is not permitted where the site was not used solely for an agricultural use as part of an established agricultural unit on 20 March 2013. There is no dispute that the building was in use on 20 March 2013, as opposed to the nature of that use.
12. Agriculture is defined in Section 336(1) of the Town and Country Planning Act 1990 as amended (the 'TCPA') as including the breeding and keeping of livestock, and the use of land as grazing land. Schedule 2, Part 3, Paragraph X of the GPDO further establishes that agricultural use must comprise use for the purposes of a 'trade or business'.
13. Against the backdrop of the preliminary matters and legislative context above, the main issue in this appeal is whether or not it has been demonstrated that

² As set out in correspondence from TDC of that date, reproduced in the appellant's appeal statement.

the proposal would accord with the requirements paragraph Q.1(a) of the GPDO, and therefore whether or not the proposal is permitted development.

Reasons

14. A modest utilitarian timber structure, the building falls within a wider parcel of land (predominantly open fields). Before August 2015 this land was part of a more extensive holding. The building is in part open-sided and part enclosed.
15. At the time of my site visit the open-sided element was used as a feeding shelter for sheep. The enclosed element contained various miscellaneous items related to the upkeep of the land. The current state of the building and land is essentially consistent with the September 2012 valuation photographs before me, which show several sheep present.³
16. I have considered TDBC's reasoning in respect application Ref 30/14/0035/CMB, the decision notice for which is dated 30 September 2014, and correspondence of January 2015 related to an enforcement investigation. However I agree with the appellant that observations closest chronologically to 20 March 2013 are most relevant in determining the use to which the building and land was put at that juncture.
17. TDBC's correspondence of 20 March 2014 related to an enforcement investigation states that 'it is still considered that the land is being used for agriculture', and that 'the only permitted use is for agriculture'.⁴ The appellant reads reference to 'the land' in this context as including the building (with regard to Section 336 of the TCPA). This is a somewhat strained interpretation as the building is referred to separately. It is nevertheless noted in the correspondence that 'there was no evidence to suggest that the building was being occupied for residential purposes'.
18. Associated site inspection notes of a TDBC officer, dated 20 February 2014, are also before me. These refer to the building as a 'timber agri building'. At appeal TDBC submitted further correspondence of 20 February 2014 related to the enforcement investigation, which explains that the land has been used for breeding sheep, cows, and other animals. The building is again referred to distinctly as 'used in connection with the agricultural operation on the farm'.
19. Setting aside the potential motivations of objectors, I have before me various representations from individuals both attesting to and disputing the purely agricultural use of the building and land on 20 March 2013. Of particular note are representations from a veterinary surgeon, who explains that they provided various services for livestock here around 2013, and from others who state that sheep were grazed in this location around that time.
20. However, the September 2012 valuation photographs show features of the building which are not typical of many agricultural buildings (a number of tables and chairs, decorative staircase, kitchen facilities and framed pictures). TDBC's site inspection notes of 20 February 2014 refer to 'family get togethers' and their correspondence of the same date to certain leisure uses occurring.

³ Appellant's statement of case, appendix 12.

⁴ Ref E/0015/30/14.

21. I accept that these references to non-agricultural activities are not specific to the building, and that no unauthorised residential use has previously been identified by TDBC. However it is a non sequitur that the absence of unauthorised residential use demonstrates conclusively a solely agricultural use. It may be that the building and land was used primarily for agriculture as defined in Section 336(1) of the TCPA, but also for some other incidental purposes. The evidence before me is inconclusive.
22. The September 2012 valuation photographs show relatively few sheep present, and there is no robust evidence before me related to the intensity of agricultural use here on 20 March 2013 (for example animal numbers, or livestock holding register entries). Whilst there is no requirement in the GPDO or elsewhere for an agricultural trade or business to be of a certain scale or level of turnover, TDBC's correspondence of 20 March 2014 explains that 'stock levels have fallen to a few sheep etc.'. This suggests a limited intensity of agricultural use around that time.
23. I appreciate the practical difficulties faced by the appellant in securing evidence related to the site before he purchased it in 2015. However TDBC's inspection notes of 20 February 2014 and correspondence of the same date refer to the use of the formerly more extensive holding, of which the appeal site was part before 2015, as a 'hobby farm'.
24. Notwithstanding the observations in certain representations related to the proposal, there is no robust evidence before me of any livestock movements, sales, or business records to indicate that on 20 March 2013 the site was part of an active agricultural enterprise (as opposed to being essentially a hobby or eccentricity of the then owner). Moreover, the principal evidence relied upon by the appellant relates to the nature of the appeal site and its surroundings several months away from 20 March 2013 as opposed to on that date itself.
25. For the above reasons, given the shortcomings with the evidence before me, it has not been suitably demonstrated that the site was used solely for an agricultural use as part of an established agricultural unit on 20 March 2013. I therefore conclude that the proposal does not accord with the requirements of paragraph Q.1(a) of the GPDO, is not permitted development, and that the appeal should be dismissed.

Thomas Bristow

INSPECTOR