

APPEAL DECISIONS FOR COMMITTEE AGENDA – 18 MARCH 2015

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	INSPECTOR'S REMARKS
APP/D3315/A/14/2 227315	PRIOR APPROVAL OF PROPOSED CHANGE OF USE OF AGRICULTURAL BUILDING TO DWELLINGHOUSE (USE CLASS C3) AT WEST VIEW FARM, WIVELISCOMBE	The approach road, by reason of its restricted width, poor alignment, substandard junction with Hartswell and conflict with the public right of way that shares the access track, is considered unsuitable to serve as a means of access to the proposed development and is likely to result in a conflict in vehicle and pedestrian movements to the detriment of highway safety. With regard to the National Planning Policy Framework, it is considered that the development would have unacceptable highway and transportation impacts.	49/14/0032/ CMB	The Inspector considered the main issues to be the effect of the proposal on highway and pedestrian safety. He found that although the access lane is single track, pedestrians generally have good forward visibility of oncoming vehicles and it is very easy to step off the carriageway onto the adjoining verges to stand safely clear of passing cars that are also slow moving. Occasions when cars travelling in opposing directions meet each other and then have to back up or creep past each other must already occur and this has not created a highway danger. Furthermore, during the three years or so that the temporary dwelling was occupied there is no evidence that any increase in movements caused a problem. Despite the barn being on higher ground it is far enough away from existing dwellings so that it would

				<p>not unduly harm privacy by way of overlooking. The additional domestic traffic to and fro past Culverhay Cottage and The Linny in particular would not cause unacceptable noise and disturbance.</p> <p>The change of use of the appeal barn and the land within its curtilage from use as an agricultural building to a use falling within Class C3 of the Schedule to the UCO and the building operations reasonably necessary to convert the building would not create unacceptable transport and highway impacts.</p> <p>The Inspector concluded that the appeal should be ALLOWED and prior approval granted.</p>
APP/D3315/A/14/2228121	ERECTION OF DETACHED DWELLING ON LAND AT FAIRFIELD STABLES, MOOR LANE, CHURCHINFORD	The site lies in a countryside location in the Blackdown Hills Area of Outstanding Natural Beauty, where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine appropriate rural need. Whilst there is an equine business being operated from the site, it is not considered that the financial information provided has	10/14/0025	The site is within the Blackdown Hills Area of Outstanding Natural Beauty, is within the open countryside and outside of the settlement boundary for Churchinford. Taking account of the factors involved in this appeal, the Inspector concluded the effect on the appellant would outweigh the harm caused by permitting an isolated house in the countryside. The appeal was therefore

		demonstrated that the existing business is currently financially sound and has a clear prospect of remaining so, and the proposed businesses could sustain a new dwelling as proposed. The scheme therefore represents an unjustified dwelling outside of settlement limits, increasing the need to travel by private car. As such, the proposal is contrary to Policies CP1(a) (Climate Change), SP1 (Sustainable Development Locations), SP4 (Realising the vision for the Rural Area) and CP8 (Environment) of the Taunton Deane Core Strategy and Paragraph 55 of the National Planning Policy Framework 2012.		DISMISSED.
APP/D3315/A/14/2226958	NOTIFICATION OF PRIOR APPROVAL OF PROPOSED CHANGE OF USE FROM AGRICULTURAL BUILDING TO DWELLING HOUSE (USE CLASS C3) AND ASSOCIATED BUILDING OPERATIONS AT HEATHERTON PARK	The Local Planning Authority considers that the site was not used solely for an agricultural use, as part of an established agricultural unit on 20 th March 2013. Therefore, the proposed development does not comply with the limitations or restrictions set out in Schedule 2, Part 3, Class MB, paragraph MB.1 (a) and it is not permitted development.	07/14/0009/CMB	The Inspector considered the main issue to be whether the proposal would accord with the limitations for development permitted by Schedule 2, Part 3, Class MB of the GPDO. Having considered all the factors, he found the submitted information does not establish exactly that the site was solely in agricultural use on the material date. In addition, it has not been shown that the

	FARM, BRADFORD ON TONE		<p>appeal building falls within the definition of an “agricultural building” or that the site was used solely for an “agricultural use” on the material date. Consequently the proposed change of use would not be permitted development. The Inspector considered the planning merits of the proposed change of use, such as delivering new housing and how the flat may meet the need for on-site security, are not relevant considerations. Having regard to all other matters raised, the Inspector found the proposal would not accord with the limitations for development permitted by Schedule 2, Part 3, Class MB of the GPDO. The appeal was consequently DISMISSED.</p>
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APPEALS RECEIVED FOR COMMITTEE AGENDA – 18 MARCH 2015

APPEAL NO	PROPOSAL	APPLICATION NUMBER
APP/D3315/W/15/3003878F	PRIOR APPROVAL FOR PROPOSED CHANGE OF USE FROM AGRICULTURAL BUILDING TO DWELLING HOUSE (USE CLASS C3) ON LAND EAST OF FERNICAPS FARM, WIVELISCOMBE	49/14/0052
APP/D3315/Y/15/300514	REPLACEMENT OF PORCH AT 1 HEATHFIELD FARMHOUSE, CREECH HEATHFIELD, CREECH ST MICHAEL (RETENTION OF WORK ALREADY UNDERTAKEN)	14/14/0040LB
APP/D3315/C/15/3005229	HOLIDAY LETS ALLEGEDLY OCCUPIED BY LONG TERM TENANTS AT GERBESTONE LODGES, GERBESTONE LANE, WEST BUCKLAND	E/0073/46/12