

APPEAL DECISIONS FOR COMMITTEE AGENDA – 19 MARCH 2014

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	INSPECTOR'S REMARKS
APP/D3315/A/13/2 203877	CHANGE OF USE FROM A1 (RETAIL) TO A2 (FINANCIAL AND PROFESSIONAL) AT 47 NORTH STREET, TAUNTON	<p>In the opinion of the Local Planning Authority the proposed change of use of A1 (Retail Premises) to A2 (Betting Shop) use would result in an unacceptable loss of a retail unit, and retail use, within a protected Primary Shopping Area. The addition of a further A2 use within the immediate area would lead to an over proliferation of non-retail uses and would therefore reduce the primary retail function having a negative impact upon the vitality and viability of the town centre and immediate area.</p> <p>The proposed use of the building as a Betting Shop is not considered to provide an interesting or active frontage and considering the restrictive nature of the use, a Betting Shop is not considered to provide a footfall comparable to other uses. As such, a Betting Shop, in the</p>	38/13/0212	<p>The Inspector considered the proposal would not fragment the shopping area nor would it result in an over-concentration of non-A1 uses in this part of the PSA. There would be no adverse effect on pedestrian circulation and no change in the overall character of the shopping area. She was satisfied that, on the basis of the evidence before her, the use of the shop unit as a betting shop would help to sustain the vitality and viability of the PSA. The limited increase in non-retail uses in this particular location would not undermine the retail function of the immediate area. On the basis of the evidence provided, the Inspector decided this particular proposal would comply with the development plan and Framework and therefore concluded the appeal should be ALLOWED. In addition to the standard time limit</p>

		Primary Shopping Area is not considered to provide the diversity or interest complementary to the centre and its users.		condition, a condition is necessary to identify the plans to which the development relates in the interests of proper planning with two additional conditions to restrict the permission use and to secure a window display to the street and maintain its visual interest within the primary shopping frontage.
APP/D3315/A/13/2 208060	CHANGE OF USE AND CONVERSION OF AGRICULTURAL BARN TO RESIDENTIAL DWELLING AT WILSCOMBE BARN, LITTLE WILSCOMBE FARM, RADDINGTON, WIVELISCOMBE	By reason of there having been no marketing of the building for the preferred uses set out within Taunton Deane Core Strategy Policy DM2(7), it has not been demonstrated that the premises are unlikely to attract a suitable alternative use that is preferred by the Local Planning Authority to residential for proposals involving the conversion of a rural building. The site is located outside of any defined settlement limits, (as set out in the Taunton Deane Core Strategy) where Development Plan policy provides that development should be strictly controlled and provided for where consistent with the policies and proposals set out in the Plan. The proposed conversion would result in a permanent residential dwelling being established, remote from	09/13/0011	<i>Suitability of Site for Housing</i> The Inspector found the existing building reads with the existing farmstead but found nothing in either the building's appearance or that of its immediate surroundings that would benefit by being enhanced as a result of its residential occupation. On this issue and, having regard to all other matters raised, he concluded that, on the information available, the proposal would not provide a suitable site for housing, having regard to the principles of sustainable development. <i>Suitability of Proposed Access</i> The Inspector did not consider the access to be inherently unsuitable as regards highway safety or usability, including for service and emergency vehicles. He concluded there was no reason in

		<p>employment, education and other adequate services and facilities required for day to day living. Such a proposal will likely generate the need for additional travel by private motor vehicles due to its location and lack of accessibility to alternative means of travel. There would be no overriding public benefit associated with the proposals given that the building is of no historical or architectural merit.</p> <p>The proposed development would result in an increase in vehicular movements over a substandard access with poor visibility splays to the North and South along the public highway. From the information provided it would appear that an appropriate degree of visibility cannot be provided.</p> <p>The site is distant from the public highway and the access track that would be utilised to serve the site is considered to be unsuitable to serve an additional residential property.</p>		<p>principle to reject the appeal scheme relating to the suitability of the proposed access. However this did not outweigh his finding on the first issue, the suitability of the site for housing, and concluded that the Council was justified in refusing permission. The appeal was therefore DISMISSED.</p>
APP/D3315/C/13/2195921	NON COMPLIANCE WITH PLANNING CONDITION AT OLD	The breach of planning control alleged in the notice is failure to comply with condition no 12 of a	44/12/0022 and E/0085/44/09	The Inspector concluded the use of the Root House as a separate dwelling would constitute the

	BARN COURT, WRANGWAY	planning permission 44/04/0018 granted on 14 January 2005. The development is conversion of barns to dwellings and annex and formation of access. Condition 12 states that Barn B shall be used as an Annex to Barn A only as a single family dwelling and shall not at any time be used as separate unit of accommodation.		creation of a separate and independent dwelling, with inadequate private amenity space, in the open countryside. It would be an unsustainable form of development contrary to development plan and national policy. The appeal was DISMISSED and the enforcement notice upheld subject to correction of the enforcement notice by substitution of the postcode "TA21 9QG".
APP/D3315/A/13/ 2204917	ERECTION OF DETACHED DWELLING WITH RECONFIGURATION OF PARKING WITHIN THE GROUNDS OF HOLWAY HOUSE, HOLWAY GREEN, TAUNTON AS AMENDED	The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policy DM1b of the Taunton Deane Borough Council Core Strategy since any increased use made of the existing sub-standard access such as would be generated by the development proposed would be prejudicial to highway safety.	38/13/0059	The Inspector considered the main issue to be the effect of the proposed access arrangement for the new dwelling on the safety of vehicular and pedestrian traffic on Holway Green. He concluded that the access is of insufficient width to accommodate more than one vehicle at a time. In addition the drivers of vehicles exiting onto Holway Green have effectively no visibility in either direction. It was therefore considered that any avoidable increase in the use of the access in its present form should be resisted in the interests of highway safety. Having taken account of all other matters raised

				the Inspector concluded the proposed access for the new dwelling would have an adverse effect on the safety of vehicular and pedestrian traffic on Holway Green and the appeal was DISMISSED. The appeal for costs was REFUSED.
APP/D3315/H/13/2206515	DISPLAY OF 5 NO. NON ILLUMINATED FASCIA BOARD SIGNS, 1 NO. INTERNALLY ILLUMINATED FASCIA SIGN, 2 NO. ALUMINIUM EXTRUSION POSTER FRAMES, 6 NO. HIGH LEVEL WINDOW GRAPHICS AND 4 NO. LOW LEVEL WINDOW GRAPHICS AT 12 COUNTY WALK (FORMERLY BLOCKBUSTER VIDEO), TAUNTON	The six high level window graphics and large fascia sign containing multiple text would replace the existing signage on the building and is considered an acceptable level of advertisements. However, the proposed five fascia signs (2a – 2e), four ground floor window vinyls/graphics and the two poster frames, in addition to the six high level window graphics and large fascia sign containing multiple text are considered to result in significant clutter, to the detriment of the appearance of the building and the visual amenity of the area. As such, the proposal is contrary to retained Policy EC26 (Outdoor Advertisements and Signs) of the Taunton Deane Local Plan and Policy DM1 (General Requirements) of the Taunton Deane Core Strategy.	38/13/0279/A	The main issue was the effect of the advertisements on the character and appearance of the area. Following the issue of a split decision by the Council, the Inspector found the appeal advertisements had already been erected. She further found the cumulative effect of the appeal advertisements, when seen in conjunction with those granted consent by the Council, led in her opinion to the creation of visual clutter that would not be present without the appeal advertisements. The level of advertising including the appeal advertisements, as currently seen, is overly dominant and excessive, particularly when seen from East Reach. As a consequence of all of the above, the Inspector considered that the appeal advertisements have an unacceptably harmful effect on the

				character and appearance of the area. The appeal was DISMISSED.
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