

TAUNTON DEANE BOROUGH COUNCIL

PLANNING COMMITTEE – 30 MARCH 2005

1 The following appeals have been lodged:-

Appellant	Date Application Considered	Proposal
Metstores Ltd (38/2004/415LB)	DD	Removal of grills from ground floor windows, 25 Fore Street, Taunton
W M Morrison (38/2004/557A)	DD	Display of various internal illuminated and non-illuminated signs at Safeway Superstore, Priory Bridge Road, Taunton

2 The following appeal decisions have been received:-

(a) Erection of two sheet advertisement display panels, Bathpool Bridge, Taunton (48/2004/060A)

The Inspector felt that the main issue, on amenity grounds only, was the impact of the proposed display on the site and its mixed-use surroundings.

The panels would be sited on either side of the A38 on top of the embankment to Bathpool Bridge, fairly close together and facing South. The Inspector felt that although the area had a mixed character of residential and low-key business premises, the commercial profile was contained by roadside trees and bushes.

The panels would stand in isolation and because of their size and exposed siting, would become unduly obtrusive advertising in a semi rural location.

When travelling in a northward direction, the panels would be seen in quick succession, together with two existing roadside signs for local business. The proposed display would create an impression of advertising clutter on Bathpool Bridge.

In conclusion, he felt that the display of both or either of the proposed panels would be detrimental to the interests of amenity.

The appeal was dismissed.

(b) Relocation and extension of boundary wall to enclose side access to property at 36 Venn Close, Cotford St Luke (06/2004/011)

The Taunton Deane Local Plan sought to protect the character and appearance of the street scene and, in the new village of Cotford St Luke, gaps had been retained between the edge of built development and the footpath to provide for planting to soften the appearance of the development. The appeal scheme would take the hard development up to the back of the footpath with no space for planting.

The appeal site was at the end of a close and the verge proposed to be enclosed was about 1.2 m in width. The proposal would align with the existing gateposts and would not be intrusive in the view along the street.

The Inspector felt that even with the enclosure of the verge the open character of this part of the estate would be maintained, as the verge made no significant contribution to the character or appearance of the area.

The appeal was allowed and planning permission granted subject to conditions.

(c) Retention of first floor windows at 4 Highland Place, High Street, Wellington (43/2004/034)

The Inspector considered the main issue to be the effect on the privacy of neighbours.

The windows, which would be re-instated in the rear of the appeal property, if the appeal was allowed, would look directly towards the rear windows of numbers 68 and 70 High Street and would overlook their gardens. Even if the glazing were to be opaque, the Inspector thought it would be likely that the occupants would wish to open them, either for fresh air or to look out. He also felt that it was unlikely that any measures that could be attempted to maintain the privacy of numbers 68 and 70 High Street would be enforceable, particularly in view of the size of the windows.

Although there were other examples of windows, which were located opposite other windows in the town centre, those which the Inspector observed at a distance, appeared significantly smaller and had been designed to be close to one another.

In conclusion the Inspector felt that the proposal would cause significant harm to the privacy of the residents of 68 and 70 High Street.

The appeal was dismissed.

(d) Erection of first floor extension to the rear of 15 Raps Green, Taunton (38/2004/120)

The Inspector felt that the main issue was the likely affect of the proposed extension on the amenities of adjoining residents.

The appeal property was one side of a pair of two-storey semi-detached houses, with No 13 attached to it on the north west side.

The appeal property had an existing single storey extension at the rear, almost on the common boundary with No 13 and the proposal would add an additional storey to this extension.

The Inspector felt that any addition to the height of the existing rear extension would have two adverse affects on the adjoining house and garden. He was concerned that there would be an increase in the degree to which the development extended the shadow of the house over the rear garden of No 13, particularly in the mornings. This would reduce sunlight to the garden and daylight to the rear windows of the house, although this would vary with the season and time of day.

Secondly the proposal would have an overbearing influence on No 13. This would have a significantly harmful impact on the outlook and aspect from the rear of the adjoining house.

In conclusion, the Inspector noted that the proposal would not physically encroach on the adjoining property, nor would there be any material loss of privacy. However, he felt that the prevailing site conditions, including the orientation of the houses, would cause unacceptable harm to the amenities of adjoining residents.

The appeal was dismissed.

(e) Erection of village hall, formation of access, driveway and car parking for hall, church and school at land to north east of St Peter's Church, Langford Budville (21/2004/004)

The site was outside the settlement limits of Langford Budville, adjacent to the churchyard of the Grade I listed St Peter's Church and the Landford Budville Conservation Area and within the High Vale Landscape Character Area. Vehicular access would be from the lane leading to the village from Langford Gate and the B3187 to the north-east of the site.

Although the site was only visible from three houses in the village, when viewed from Langford Gate, the site lay in the foreground of the Church, which was prominent on the skyline. The Inspector felt that the field was an important part of the rural setting.

The proposal included the introduction of an access road and car parking for 50 cars. Although the hall was at a lower level and the parking could also be used by the school and church, the Inspector considered that the access road and extensive parking would extend an urban element and built form into the countryside and foreground of the Church, which would have a detrimental effect. The Inspector felt that whilst landscaping might provide some screening, it would take many years to mature and would not adequately mitigate the impact of the proposal.

The formation of a new access would involve the removal of 70 m of hedgerow to form visibility splays, which would have a detrimental impact on the enclosed character of the rural lane.

The Highway Authority had concerns about safety and the Inspector felt that a less enclosed

road might encourage some drivers to travel faster. Also, the proposal would introduce a number of turning movements at a place where accidents had occurred. It was therefore felt that there would be no material improvement in highway safety.

The appeal was dismissed.

(f) Change of use and conversion of barn to form dwelling on land to north-east of Bedruthan, Bull Street, Creech St Michael (14/2004/012)

The Inspector felt that the main issue was whether there would be an unacceptable risk of flooding which could mean additional burdens on the emergency services.

The appeal site was in a high risk flood area and although there were some flood defences, there was no established warning and evacuation procedure in place.

The appellant had proposed doorway flood protection shields to reduce the risk of internal flooding, but whilst this might reduce the impact of a flood within the property, there could be problems in gaining access.

The Inspector considered that by preventing the flow of water through the building, there would be a reduction in flood storage volume. Although this might be unquantifiable in scale, every loss of flood storage volume was undesirable and the cumulative effect of many small encroachments was to progressively worsen flood risk.

The appeal was dismissed.

(g) Siting of two mobile homes and two touring caravans for single gypsy family and appeal against enforcement notice at Two Acres, Ford Street, Wellington (44/2003/019)

Due to the complexity of the Inspector's decision letter, a full copy is attached for the information of Members at Appendix A.

The appeals were dismissed.

(h) Illuminated and non-illuminated fascia signs and projecting sign at Rileys, 1 Kingston Road, Taunton

The Inspector felt that the main issue was the effect the signs would have on the amenity of the area.

The appeal site was situated in a generally commercial area and the two storey building was used as a snooker hall. Items 3, 4 and 5 were lettered signs and were sited above the inset entrance. Item 8 was a 'R' logo sign fixed to the inset exit door. The Inspector felt that all these signs were small and, in his view, not excessive in relation to the overall size of the building.

They were displayed at fascia level or below and when seen in this context were not unduly intrusive in the street scene.

Item 14 was a poster box which was originally displayed within the reveal in the front elevation. It was now on the main facade, but still at a low level where it was seen in the same commercial context.

Items 11, 15/16 comprised a projecting sign and wall sign both measuring 3.7m x 0.7m. Item 12 was a round logo sign measuring 2m in diameter. These signs were to be displayed at first floor level and in the Inspector's opinion would appear overlarge. The signs would also be visible from either direction and would be sited above the level of commercial activity. The Inspector felt that they would stand out as unduly intrusive features in the street scene, particularly at night when illuminated.

He concluded that the display of items 3, 4, 5, 8 and 14 would not be detrimental to the interests of amenity, but that the display of items 11, 12 and 15/16 would.

The Inspector dismissed the part of the appeal that related to items 11, 12 and 15/16, but allowed the appeal in respect of items 3, 4, 5, 8 and 14.

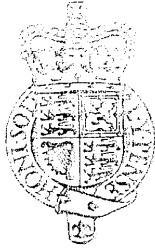
(i) Change of use from ancillary accommodation to separate dwelling unit at Bussells Farm, Blackmoor, Wellington (46/2003/035)

Due to the complexity of the Inspector's decision letter, a full copy is attached for the information of Members at Appendix B.

The appeal was dismissed.

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APPENDIX A



Appeal Decisions

Hearing held and site visit made on 22 February 2005

by **Paul Taylor BSc (Hons) MRTPI**

an Inspector appointed by the First Secretary of State

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Date

02 MAR 2005

Appeal Ref: APP/D3315/A/04/1147390 Two Acres, Ford Street, Wellington TA21 9PE

- 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 J Isaacs against a decision of Taunton Deane Borough Council.
- The application Ref 44/2003/019, dated 22 August 2003, was refused by notice dated 17 October 2003.
- The development proposed is the siting, on a permanent base, of 2 mobile homes and 2 touring caravans for gypsies.

Summary of Decision: The appeal is dismissed.

Appeal Ref: APP/D3315/C/04/1165776 Two Acres, Ford Street, Wellington TA21 9PE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr J Isaacs against an enforcement notice issued by Taunton Deane Borough Council.
- The Council's reference is 44/2003/019.
- The notice was issued on 6 October 2004.
- The breach of planning control as alleged in the notice is, without planning permission, the change of use of the land at Two Acres, Ford Street, Wellington for the stationing of a mobile home and touring caravans.
- The requirements of the notice are:-
 - (i) Stop using the land at Two Acres, Ford Street, Wellington for the stationing of a mobile home and touring caravans.
 - (ii) Remove from the land the mobile homes and touring caravans and restore the land concerned to the condition it was in before the breach of planning control.
- The period for compliance with the requirements is 'by 30 April 2005'.
- The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended. (Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.)

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with variation.

Planning Policies

1. Policy 36 of the adopted Structure Plan for the area says that the provision of sites for gypsies should be made where the site is within reasonable distance of a settlement providing local services and facilities. Policy H16 of the adopted Taunton Deane Local Plan
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- says that, outside the defined limits of settlements, sites for gypsies will be permitted provided that various criteria are complied with. In my view these are clear and realistic criteria. Criterion (B) is that there is safe and convenient access by bus, cycle or on foot to schools and other community facilities. Criterion (C) is that a landscaping scheme is provided which screens the site from outside views. Criterion (I) is that the site is not within an Area of Outstanding Natural Beauty (AONB).
2. Government policy in Circular 1/94, Gypsy Sites and Planning, provides that the planning system recognises the need for accommodation consistent with gypsies' nomadic lifestyle but also reflects the importance of the plan-led nature of the planning system in relation to gypsy site provision. The Circular says that local plans should make a quantitative assessment of the amount of accommodation required and should, wherever possible, identify locations suitable for gypsy sites. Where this is not possible they should set out clear, realistic criteria for suitable locations. The Circular indicates that while many gypsy sites may be found in rural or semi-rural settings it will not as a rule be appropriate to make provision for gypsy sites in Areas of Outstanding Natural Beauty.

Main Issues

3. As Circular 1/94 and Policy H16 indicate that gypsy sites can be located outside settlements I do not consider that normal open countryside planning policies apply. The main issues raised are:-
- (a) The impact of the development on the Blackdown Hills AONB.
 - (b) The suitability of the local highway network for the development
 - (c) The availability of local services and facilities
 - (d) The general need for, and availability of, sites for gypsies
 - (e) Personal circumstances
 - (f) The period for compliance with the notice

The impact of the development on the Blackdown Hills AONB

4. The appeal site is in the countryside close to the small hamlet of Ford Street in the Blackdown Hills AONB. Permission is sought for the stationing of 2 mobile homes and 2 touring caravans for gypsies. There would also be 2 or 3 vehicles parked on the site. At the time of my inspection there was only one static caravan on the land though there were other domestic items present including play equipment and a rotary clothes drier. The caravan was sited some distance back from the road on elevated land next to a new hardstanding. Some roadside hedgerows provide a degree of screening but the caravan and other domestic items are readily seen by anyone passing by. In my view they are clearly unsympathetic additions to the landscape, seriously harming its natural beauty.
5. There are, I accept, factors that do, and could in the future, mitigate the harm caused. The appeal site is relatively close to houses in Ford Street and it does have, lower down and close to the road, some old piggery buildings and structures and a stable block. A scheme of landscaping might, to some extent, be able to screen the development further. However, the mobile homes and caravans and the associated vehicles, and the domestic paraphernalia and residential activity would still cause harm to the AONB. That harm would be both the inherent harm to the intrinsic natural beauty of the area and the harm that would still be perceived by people passing by. A particular problem is that much of the site is elevated

making it difficult for the development to comply with criterion (C) of Policy H16 by being satisfactorily screened from outside views.

6. As the development is within an AONB it is not in an appropriate location according to Circular 1/94 and Policy H16, criterion (I). This clear, consistent policy presumption against this gypsy site, and the harm caused, weigh heavily against the grant of planning permission either for the development as proposed or for a reduced proposal involving one mobile home and one touring caravan.

The suitability of the local highway network for the development

7. The appeal site has an access on to a minor country lane that that meets the main road through Ford Street a little to the north. The local highway authority maintain that as the minor lane is narrow, and has limited forward visibility, it is unsuitable for the traffic likely to be generated by the proposed development. There are no traffic counts before me but I see no reason to doubt the appellant's evidence that this minor lane carries very little traffic. Due to it bends and narrow width traffic speeds are likely to be low. It may well be the case that, at times, a vehicle towing a caravan between the appeal site and the main road might cause a degree of inconvenience to another road user but, in my view, no more than that which often arises along narrow country lanes.
8. I am much more concerned about highway safety where the minor lane joins the main road. This main, but still relatively narrow, road carries more traffic and it is fairly fast-moving, perhaps about 40mph. The minor lane has two junctions with the main road, one to the south of a house called The Island and one to the north of The Island. Visibility to the right at the southern junction is so extremely bad that I doubt that it would be used because the visibility to the right at the nearby alternative northern junction is better. Having said that, however, this forked junction is not without its problems. Visibility to the right is still substandard. A vehicle towing a caravan and turning right out of the junction into the main road would have to make the manoeuvre slowly and carefully because of the acute angle of the fork. It could impede the free and safe flow of traffic. Furthermore, a vehicle turning right into the minor lane might have to stop to let oncoming traffic go by. However, a vehicle stopping at this point in the main road could well be hidden from the view of a following driver due to the bend in the road. I do, therefore, share the view of the local highway authority that this particular junction is one that could lead to highway safety problems, especially with use by a vehicle towing a caravan. Given the limited number of journeys likely to be made by drivers towing caravans I recognise that dangerous incidents might only arise infrequently. Nonetheless, because of the fairly high speed of traffic on the main road I consider that there is a valid objection to the proposed development on highway safety grounds. I do not, therefore, consider that the local highway network is suitable for the proposed development.

The availability of local services and facilities

9. Criterion (B) of Policy H16 requires there to be safe and convenient access from the site by bus, cycle or on foot to schools and other community facilities. Ford Street has no such facilities. The nearest facilities are in Wellington about 3k away. It is not possible to reach these facilities safely and conveniently on foot or, in my view, by cycle. There is only an infrequent bus service between Ford Street and Wellington and the appellant did not argue that he found this service useful. Children are taken by private vehicle from the appeal site to a school at Rockwell Green. In these circumstances I consider that criterion (B) is not

satisfied and that the lack of easily available local services and facilities is a disadvantage of the site.

10. In relation to Policy 36 of the adopted Structure Plan the Council consider that Wellington is not a reasonable distance from the appeal site which is therefore, in their view, in an unsustainable location because the appellant relies upon travel by private vehicle. The gypsy way of life, however, being nomadic, inevitably involves travel by private transport. Gypsy sites can, in principle, be appropriate in rural areas where there is often a need for some travel by private vehicle. I do not, therefore, consider the site is unacceptable on the basis that it involves the need for travel by private vehicles.

The general need for, and availability of, sites for gypsies

11. Local planning authorities in Somerset, including Taunton Deane Borough Council have not made any recent quantitative assessment of the amount of accommodation needed for gypsies in the locality. Nor have they identified any specific locations suitable for gypsy sites. The appellant says that the Council have not, so far, assisted the appellant in his search for a site. He maintains that these are serious failings which support the grant of planning permission. I have borne these matters in mind and return to them later.
12. The appellant maintains that the Count of Gypsy Caravans published by the Office of the Deputy Prime Minister (ODPM) seriously underestimates the need for gypsy sites in the locality. He was supported in this view by the evidence from a local member of the Romani Gypsy council. I am aware of general concern about the accuracy of the ODPM Counts. I cannot quantify the general need for gypsy sites in the locality but based on the appellant's evidence I consider that there is probably some need for further sites to be made available in the District. The grant of planning permission for the appeal site would go some way to meeting that likely need and that is a factor in its favour.
13. I also accept the appellant's evidence that he has been looking earnestly for a suitable site for several years and that, while the Council now consider that it might be possible to find an alternative, less intrusive, site closer to Wellington, outside the AONB, no alternative site can currently be readily identified by the Council or the appellant as being available locally for him and his extended family.

Personal Circumstances

14. The appellant has always been based in Somerset and Devon but he has never had a lawful site of his own to occupy. The appeal site, which he owns, would be home and a settled base, for him and his wife, their two daughters, his sister and his sister-in-law's daughter. The appellant says that his sister and his sister in-law's daughter are currently living in unsatisfactory conditions. The three children would benefit from having settled, continuous education at their local schools where they are all making progress, although one is, at present, several years behind her chronological age in ability and knowledge. The schools indicate that it would be disadvantageous for the children to have to leave. I have no doubt that there is a clear and significant benefit in the children having a settled home base for the education. Equally, it would clearly be very undesirable for them to withdraw from school or to have an education severely interrupted by frequent moves.
15. The appellant has medical problems including some arthritis, a liver condition and a need for blood pressure and cholesterol to be monitored. He is, according to his doctor, otherwise

currently fit and well. Apparently his liver is in no way dangerous and there is no sign of chronic liver disease. His doctor considers that it is important for him to remain in one place while she tries to sort things out. In my view, however, the medical problems are not so special or serious as to constitute a strong factor supporting the grant of permission.

16. I acknowledge that the appellant and his family are responsible and caring people and that they keep the site tidy, as neighbours who support the proposal testify. Several neighbours are concerned about what will happen to the children and their education if planning permission is refused.
17. The grant of planning permission would bring considerable personal benefits to the appellant and his family and I have borne that in mind.

The Period For Compliance with the Notice

18. Bearing in mind the likely date of this appeal decision the notice gives a period for compliance of about 6 weeks. At the Hearing the Council recognised that this was too short. The Council indicated that, in the context of possible likely changes soon in Government planning policy, as referred to by the appellant, they were setting up a Working Party to consider the need for gypsy accommodation. They said they would now regard a compliance period of 18 months as being appropriate, believing that there is a reasonable likelihood that an alternative site can be found in the locality, and promising to engage in discrete discussion about alternatives with the appellant.

Overall Conclusion

19. The main factors against the grant of planning permission are the policy presumption against the development due to its AONB location, the harm to the natural beauty of the AONB and the highway safety problems. On the other hand the site would contribute to gypsy provision in the locality and it would have the clear and considerable benefit of providing a settled base for the children's education. The lack of an alternative site readily available also weighs in favour of the appellant.
20. The personal benefits for the appellant are considerable but, in my view, they are not special or unusual and they are benefits that could be pleaded in many similar cases. Similarly, the lack of an up-to-date quantitative assessment of the need for gypsy accommodation, unsatisfactory though that is, and the possibility of a change nationally in planning policy, are general considerations they do not outweigh the demonstrable harm caused in terms of the impact on the AONB and highway safety.
21. I am nevertheless very concerned about the possibility that dismissal of the appeal could result in the appellant and his family having to live on the road or on other unauthorised sites. However, with a period for compliance of 18 months there would be a reasonable opportunity for the appellant, in discussion with the Council, to obtain a more suitable site within the locality. Circular 1/94 says that local planning authorities considering possible enforcement action against gypsy caravan sites should be guided by the policy advice in PPG 18, Enforcing Planning Control. They should regard gypsies in the same manner as small businesses. PPG 18 indicates that if a small business is to be compelled to relocate then the local planning authority should aim to agree on a timetable for relocation which will minimise disruption. I conclude that planning permission should not be granted but that, to minimise disruption, the period for compliance should be extended to 18 months.

22. In reaching this conclusion I have had regard to an appeal decision concerning a site in the borough of Hertsmere (The Pylon Site), and to other documents concerning gypsies generally, submitted on behalf of the appellant, but I consider that this appeal raises specific over-riding objections regarding development in an AONB and highway safety.

Human Rights Act

23. Submissions were made relating to Article 8 of The European Convention on Human Rights (ECHR). I recognise the need to have regard to common humanity and that dismissal of the appeal will cause hardship and will interfere with the appellant's home and family life. However I have weighed this against the wider public interest. Moreover, where a home has been established without planning permission there is a conflict of interest between the rights of the individual under Article 8 and the right of others in the community to environmental protection. If the establishment of the home in a particular place is unlawful the position of an individual objecting to a requirement to move is less strong than if the home is lawful.¹
24. For the reasons given above I have found that this proposal would be harmful to the need to protect the AONB and to highway safety and I am satisfied that these legitimate aims can only be adequately safeguarded by the refusal of permission. The requirements of the notice would be effective in protecting the AONB. On balance, I consider that the dismissal of the appeal would not be disproportionate.
25. Reference was also made to Article 2 of Protocol 1 of the ECHR but the requirements of the notice do not, in themselves, deny the children the right to education. Nor, in my view, is there any evidence that in the issuing of the enforcement notice the Council have discriminated against the appellant on any ground referred to in Article 14 of the ECHR.

FORMAL DECISIONS:-

Appeal Ref: APP/D3315/A/04/1147390

26. I dismiss the appeal.

Appeal Ref: APP/D3315/ C/04/1165776

27. I vary the enforcement notice by changing the period for compliance to 18 months. Subject to this variation I dismiss the appeal, uphold the enforcement notice, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Paul Taylor

Inspector

¹ Case of Chapman v The United Kingdom ECHR January 2001 (application no, 27238/95)



Appeal Decision

Hearing held on 20 January 2005

Site visit made on 20 January 2005

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the First Secretary of State

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Date

20 JAN 2005

Appeal Ref: APP/D3315/A/04/1146809

Bussells Farm, Blackmoor, Wellington, Somerset, TA21 9LJ.

- 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 Richard Turk against the decision of Taunton Deane Borough Council.
- The application Ref. 46/2003/035, dated 5 August 2003, was refused by notice dated 9 October 2003.
- The development proposed is the change of use from ancillary accommodation to separate unit of accommodation.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. There is a discrepancy in the appeal site area shown on the submitted site plans. At the Hearing both main parties agreed that the correct area was that shown on the 1:500 scale site plan. I have determined the appeal on the basis of the site area shown on that plan.

Main Issues

2. There are three main issues:
 - a) the effect upon the character and appearance of the area, which forms part of the Blackdown Hills Area of Outstanding Natural Beauty (AONB);
 - b) whether the proposal would provide adequate living conditions for the occupiers of the proposed dwelling and the residents of Bussells Farm, having particular regard to overlooking and privacy;
 - c) whether the proposal would accord with established planning policies that aim to reduce the need to travel.

Planning Policy

3. The development plan includes the Somerset and Exmoor National Park Joint Structure Plan Review (SP) adopted in 2000 and the Taunton Deane Local Plan (LP) adopted in 2004.
4. SP policy STR1, amongst other things, seeks to develop a pattern of land use which minimises the length of journeys and the need to travel. SP policy STR6 applies strict control over development outside settlements and restricts it to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. SP policy 3 gives priority to the conservation of the natural beauty of the AONB.

5. LP policy H20 provides that where ancillary accommodation is permitted within the curtilage of a dwelling control will be exercised over any subsequent use as a separate dwelling. LP policy EN10 relates to the AONB and is similar to SP policy 3. The appellant has drawn my attention to LP policy H9 which relates to the conversion of rural buildings. As the proposal does not involve adapting the building for new purposes I consider that this policy is not determinative to this appeal.

Planning History

6. In 1999 planning permission was granted to convert the appeal site building into an annexe (Ref. 46/1999/008). A planning condition was imposed limiting its use to accommodation solely in connection with the existing house as a single family dwelling and not as a separate unit. [At the Hearing the appellant informed me that until fairly recently he had not been aware of this restriction and the building had been let for use as a separate dwelling.] An earlier appeal to convert the building into holiday accommodation was dismissed by another Inspector in 1990 (Ref. T/APP/D3315/A/90/155176/P4). Prior to that planning permission was granted in 1983 to convert another building nearby into a dwelling (Ref. 4/46/83/013). That dwelling is known as Little Bussells. I have taken these matters into account in determining the appeal.

Reasons

Character and Appearance

7. Bussells Farm comprises a complex of farm buildings and surrounding agricultural land on the northern slopes of the AONB. It includes a stone and slate barn that has been converted into a self-contained two bedroom annexe for use in connection with the farmhouse. This annexe includes an integral garage. It is a short distance to the north west of the farmhouse on the opposite side of a tarmaced farmyard/parking area. Some adjoining land to the north and north east of the annexe has been laid out as garden. This garden space is enclosed by walls and various types of fencing. A public footpath runs alongside the annexe.
8. The Council has argued that due to the proximity of the annexe to the farmhouse the proposal would result in pressure to erect fencing or some form of "privacy boundary treatment". It is concerned that this would entail the sub-division of the farmyard and would be detrimental to the character and appearance of the area. No changes are however proposed as part of the scheme and the site already forms part of the domestic curtilage to the main farmhouse. This curtilage includes walls, fences and domestic paraphernalia.
9. Due to the need to maintain access through the site, to the land and farm buildings to the west of the annexe, I consider it unlikely that the farmyard/parking area would become subdivided in the manner envisaged by the Council. Furthermore, this farmyard has already been altered and makes only a very limited contribution to the integrity of this group of buildings. Even if there were pressure in future for additional boundary treatment the impact of such development would be very small. If this appeal were allowed a planning condition removing permitted development rights for the erection/construction of walls/fences and other means of enclosure could also be imposed to ensure that there would be no adverse effects. This would provide adequate safeguards over any such development.
10. In my opinion the proposal would have no harmful impact upon the natural beauty of the AONB. It would not detract from the integrity of the existing farm complex or the physical

relationship that this group of buildings has with the surrounding open countryside. The development would maintain the qualities of the existing landscape.

11. I therefore conclude on the first main issue that the proposal would not harm the character or appearance of the area. It would accord with SP policy 3 and LP policy EN10.

Living Conditions

12. The existing annexe is approximately 16 metres from the main farmhouse. A first floor balcony on the annexe overlooks part of the garden and some windows in the appellant's house. Oblique views can also be obtained of the farmhouse from some windows in the annexe. During my site inspection I looked out of the various windows in the two buildings and stepped out onto the balcony of the annexe to note the extent of overlooking between the farmhouse and converted barn. I agree with the appellant that the orientation of these two buildings to one another and the degree of physical separation would not result in any harmful overlooking from inside the two buildings or from the balcony.
13. The ground floor living room and dining room in the annexe face onto the existing parking area. This area is elevated in relation to these rooms. I noted during my site inspection that when standing in this parking area or sitting inside a parked vehicle facing the annexe it was possible to clearly see into these habitable rooms from close quarters. I consider that the use of this space by residents of the farmhouse would result in some overlooking of these main rooms in the annexe building. This would limit the privacy available within this part of the building. It would not however be so significant as to justify withholding permission.
14. I therefore conclude on the second main issue that the development would provide adequate living conditions for the occupiers of the proposed dwelling and the residents of Bussells Farm.

Need to Travel

15. SP policies STR1 and STR6 are consistent with important Government objectives that aim to reduce the need to travel¹ and promote sustainable development in the countryside². The supporting text to LP policy H20 also recognises the importance of avoiding the creation of new dwellings outside settlements.
16. The appeal site does not form part of any recognisable settlement and is remote from services and facilities, including public transport. As a consequence, residents of the proposed dwelling would be dependant upon the use of a car for accessing employment centres, shops, healthcare and leisure facilities. Friends and relatives visiting future occupiers of the dwelling would also have to travel by car. In my opinion it is not an appropriate location for new open market housing.
17. At the Hearing there was agreement between both main parties that whilst the permitted use of the annexe could generate some car use in all probability this need to travel would be less than that associated with the proposed development. I agree with the Council that those occupying the annexe in accordance with the permitted use of the building would most likely be members of the same family living in the farmhouse. I consider this would result in many trips being shared. Additional trips by visitors would also be less likely.

¹ Planning Policy Guidance Note 13 'Transport' (PPG13)

² Planning Policy Statement 7 'Sustainable Development in Rural Areas' (PPS7)

18. In my opinion this increased need to travel would be relatively small. Nevertheless it would not be insignificant. PPG13 advises that the consistent application of planning policies that aim to reduce the need to travel have a key role in delivering the Government's objectives. The requirement to avoid fostering growth in the need to travel also underpins the SP. These are important considerations that justify the Council's decision to refuse permission.
19. I therefore conclude on the third main issue that the proposal would fail to accord with established policies that aim to reduce the need to travel. It would conflict with the provisions of SP policies STR1 and STR6, and the aims and objectives of LP policy H20.

Other Matters

20. At the Hearing both main parties agreed that there had been a material change in planning policies since permission was granted for the dwelling known as Little Bussells. I consider that this permission does not set a precedent that I am bound to follow. Whilst the appellant has also drawn my attention to other dwellings that have been permitted elsewhere in the countryside the circumstances of these cases may be materially different to the appeal before me. In any event I am required to determine this case on its own planning merits.

Conclusions

21. The proposed development would not harm the character or appearance of the area and would provide adequate living conditions for incoming residents and the occupiers of Bussells Farm. These matters do not however overcome or outweigh my findings in respect of the need to travel. For the reasons given above and having regard to all other matters raised, I conclude on balance that the appeal should not succeed.

Formal Decision

22. I dismiss the appeal.



Inspector

APPEARANCES

FOR THE APPELLANT:

Mr S Collier BA(Hons), DipTP, MRTPI, Turner Holden Planning Consultants, Hawkridge House, Chelston Business Park, Wellington, Somerset, TA21 8YA.

Mr R Turk Appellant.

Mrs L Turk The appellant's wife.

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Hamer BSc, DipTP, MRTPI Area Planning Manager for the Council.

Miss H Vittery HND, DipCSM Principal Planning Liaison Officer, Somerset County Council, County Hall, Taunton, Somerset, TA1 4DY.

DOCUMENTS:

Document 1 List of persons present at the Hearing.
Document 2 The Council's letters of notification of the Hearing.

DRAWINGS:

Plans A1-A2 The application drawings.

