

SWT Planning Committee

Thursday, 3rd September, 2020,
1.00 pm



Somerset West
and Taunton

[SWT VIRTUAL MEETING WEBCAST LINK](#)

Members: Simon Coles (Chair), Marcia Hill (Vice-Chair), Ian Aldridge, Mark Blaker, Sue Buller, Dixie Darch, Roger Habgood, Mark Lithgow, Chris Morgan, Craig Palmer, Andrew Sully, Ray Tully, Brenda Weston and Loretta Whetlor

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous meeting of the Planning Committee

Minutes of the previous meeting of the Committee on the 20 August to follow.

3. Declarations of Interest or Lobbying

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests or lobbying in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

4. Public Participation

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have requested to speak, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

Temporary measures during the Coronavirus Pandemic

Due to the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will holding meetings in a virtual manner which will be live webcast on our website. Members of the public will still be able to register to speak and ask questions, which will then be read out by the Governance and Democracy Case Manager during Public Question Time and will either be answered by the Chair of the Committee, or the relevant Portfolio Holder, or be followed up with a written response.

5. 49/20/0032

Construction of first floor for guest accommodation, external changes to fenestration (including roof lights) and installation of external staircase at the shoot facility located south of New Road (B3227), Wiveliscombe (retention of works already undertaken)

(Pages 5 - 16)

6. Latest appeals and decisions received

(Pages 17 - 36)



**JAMES HASSETT
CHIEF EXECUTIVE**

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If you would like to ask a question or speak at a meeting, you will need to submit your request to a member of the Governance Team in advance of the meeting. You can request to speak at a Council meeting by emailing your full name, the agenda item and your question to the Governance Team using governance@somersetwestandtaunton.gov.uk

Any requests need to be received by 4pm on the day that provides 2 clear working days before the meeting (excluding the day of the meeting itself). For example, if the meeting is due to take place on a Tuesday, requests need to be received by 4pm on the Thursday prior to the meeting.

The Governance and Democracy Case Manager will take the details of your question or speech and will distribute them to the Committee prior to the meeting. The Chair will then invite you to speak at the beginning of the meeting under the agenda item Public Question Time, but speaking is limited to three minutes per person in an overall period of 15 minutes and you can only speak to the Committee once. If there are a group of people attending to speak about a particular item then a representative should be chosen to speak on behalf of the group.

Please see below for Temporary Measures during Coronavirus Pandemic and the changes we are making to public participation:-

Due to the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will holding meetings in a virtual manner which will be live webcast on our website. Members of the public will still be able to register to speak and ask questions, which will then be read out by the Governance and Democracy Case Manager during Public Question Time and will be answered by the Portfolio Holder or followed up with a written response.

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49/20/0032

MR J BALL

Construction of first floor for guest accommodation, external changes to fenestration (including rooflights) and installation of external staircase at the shoot facility located south of New Road (B3227), Wiveliscombe (retention of works already undertaken)

Location: FORMER AGRICULTURAL BARN LOCATED SOUTH OF NEW ROAD (B3227) WIVELISCOMBE

Grid Reference: 307592.127406 Retention of Building/Works etc.

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - (A3) DrNo 1812/PL.01 Rev D location Plan
 - (A3) DrNo 1813/PL.02 Rev.D Block Plan
 - (A3) DrNo 1813/PL.03 Rev D Site Layout
 - (A3) DrNo 1813/PL.09 Rev C Proposed Roof Plan
 - (A3) DrNo 1813/PL.10 Rev G Proposed Elevations Sheet 1
 - (A3) DrNo 1813/PL/11 Rev F Proposed Elevations Sheet 2
 - (A3) DrNo 1813/SK.20 Rev B Proposed Ground Floor Plan
 - (A3) DrNo 1813/SK.21 Rev H Proposed First Floor Plan

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

2. Four Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation within 3 months of the date of this permission and maintained thereafter. Photographs of the installed features will be submitted to the Local Planning Authority.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

3. Within a month of this permission, a "lighting design for bats" shall be submitted to and approved in writing by the Local Planning Authority. The

design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting as approved shall be installed within three months of the approval by the Local Planning Authority and shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy

4. The landscaping scheme as shown on Drawing Number 'Planting Plan Rev A' dated February 2019 approved under permission 49/18/0024 shall be completely carried out within the first available planting season from the date of this permission. For a period of five years after the completion of the 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.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

5. The area allocated for parking and turning shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety.

6. At the approved access there shall be no obstruction to visibility greater than 900 millimetres above adjoining road level within the visibility splays shown on the approved plan, Drawing No. 09071-HYD-XX-XX-DR-TP-0101 approved under permission 49/18/0024. Such visibility splays shall be maintained at all times.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety.

7. The access shall remain surfaced in accordance with drawing no. 1053/12 Rev D as submitted under permission 48/18/0024 and surface water shall be disposed of in accordance with that drawing so as to prevent its discharge onto the highway. Such provision for the disposal of surface water shall be maintained at all times.

Reason: In the interests of highway safety.

8. The accommodation shall not be occupied at any time other than for purposes

ancillary to the use of the shoot facility approved under permission 49/18/0024 and shall not be used other than during the period of 1 October and 1 February in any one year.

Reason: To ensure the building remains in a use that is appropriate to this countryside location and to protect the amenities of the surrounding area.

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

Proposal

The proposal is to use the first floor of a former agricultural building now used as a shoot facility for overnight guest accommodation for the shooters (the guns). 10 No. single occupancy en suite guest rooms will be provided with an associated store room. The accommodation will be used ancillary to use of the building by the Bulland shoot from 1st October to 1st February. The proposal also includes alterations to the ground floor layout and changes to the fenestration from that approved under the permission to convert the building to a shoot facility (49/18/0024) (retention of works already undertaken).

Site Description

The site is located approximately 680 metres to the south west of the built up settlement area of Wiveliscombe and is therefore within the open countryside. Within the countryside in this location there are located a number of individual dwellings and farm buildings. The site is accessed off the Wiveliscombe to Bampton Road (B3227) with a long access track leading down to the building the subject of this application. A helipad was recently permitted approximately 250m from the building for use by the shoot however following local opposition the helipad has been removed.

Relevant Planning History

49/19/0059 - Formation of helipad. Conditionally approved May 2020.

49/19/0062 Variation of condition no. 2 (approved plans) of application 49/18/0024 on land at former agricultural barn located south of New Road - Withdrawn

49/18/0024 Change of use and conversion of agricultural building to shoot facility for Bulland Estate on land south of New Road - Granted 30th July 201

Consultation Responses

WIVELISCOMBE TOWN COUNCIL - This is a Change of Use from the original application 49/18/0024, by virtue of providing overnight accommodation. Tourism rentals and hotels already exist locally. The Shoot have offered no evidence of need and therefore this application is contrary to DM2 of the Core Strategy.

We have the following observations:

- If the Planning Authority are minded to approve this application we believe condition 12 of the original application should be included in any approval "The occupation of the shoot facility hereby permitted shall be carried on only by Bulland Shoot and shall not be occupied other than during the period of 1 October and 1 February in any one year." Reason: To ensure the building remains in a use that is appropriate to the countryside location.

- We would like to ensure that, should the Shoot cease to exist, it's made clear that this building will not be sold for general hotel or tourism use taking trade from existing local businesses.

- We note that there are 2 additional buildings that have not been included in the application but have been built without a planning approval. This should be rectified as part of this application

SCC - TRANSPORT DEVELOPMENT GROUP -Recommend Standing Advice.

SCC - ECOLOGY - A Preliminary Ecological Appraisal of the application site was carried out by The Ecology Co-op in November 2017.

Although the barn does not support features that could be exploited by bats for roosting the report recommends that a wildlife friendly lighting scheme due to the potential for the presence of foraging bats. A lighting design for bats condition is required.

The rough, improved grassland to the south and west of the barn supports habitat that could be considered potentially suitable for populations of reptiles such as grass snake, common lizard and slow worm. A survey for reptiles was carried out by The Ecology Co-op in May 2018. This found no reptiles present.

The National Planning Policy Framework (170d) requires biodiversity enhancement to be provided within development. A condition to require 4 No house martin nests is required.

Environmental health - No comments received.

Representations Received

A letter of support has been received from the White Hart Hotel located in the centre of Wiveliscombe. The owners of the hotel fully support the application as the shoot uses their premises consistently throughout the shooting season which is invaluable out of season business to them. The shoot books their rooms for loaders, guest etc. This will be even more significant given the uncertainty and financial impacts from the effects of Covid. The shoot will again be booking many rooms in their hotel for the forthcoming season.

The hotel owners state that it is not just them that benefit from the shoot but the hotel's suppliers. The shoot also sources most of its food and drink from local suppliers and farms. With the accommodation bookings from the shoot this enables them to employ more staff. The hotel wishes this operation is supported as it raises the profile of the area and aids the local economy.

6 letters of objection have been received for the following reasons:

- The application does not justify revised alterations to the ground floor different from those approved
- The 10 guest bedrooms alters the scale of the building
- It sets a bad precedent of supporting an application where works have already been done/non compliance with planning conditions on the original permission
- Noise disturbance as the site is some 300m from the local recreation ground
- Will add little value to the existing community as self contained
- Will impact on the White Hart Hotel
- Will take business away from the town
- No consultation by the developers with the residents.
- Residents are affected by the noise of helicopters and overnight accommodation will worsen the situation.
- Although the landing site for helicopters is now away from the town travel by helicopters is still unsustainable.
- Has the helipad permission and a health and safety assessment been done?
- If shoots take place is this practical with the footpath close by?
- This will provide accommodation for up to 20 people
- The changes alter the functioning of the building with the floor space doubling
- It has visual impact on the rural setting and the increase in roof lights will mean this is no longer an agricultural barn when viewed from the B3227.
- The barn was taken down in its entirety and rebuilt which is contrary to policy
- Were other uses considered for the barn?

Councillor Mansell objects to the application and makes the following comments:

- the site is outside Wiveliscombe but close to the town and recreational park. The new application is significantly different to the previous application 49/18/0024 which wasn't built as approved and this new application would result in a building with a very different use.
- There is noise disturbance from helicopters landing at the site and from shooting nearby which appears to have increased with the lodge. Although the helipad has been removed this may not stop helicopters landing at the site. A clear statement of where helicopters will land should be provided and transport arrangements to the site.
- Clear statements should be provided on shooting activities that will result from the lodge; No. of shooting days, location, amount of shooting, noise impact from shooting on neighbouring properties and those using the footpaths. Details of the no. of people (shooters, guests, staff) who will be travelling to and using the lodge should be provided.
- More shooting has previously been heard in the town suggesting shooting stations are closer to the lodge and town.
- There could be an impact on pheasants and other game birds causing a nuisance on local roads and gardens.
- The lodge can be seen from parts of the town, especially during winter and from parts of the town.

- The development should meet policy DM2 but fails to follow the sequential test required by part 7.
- The building may not provide new employment as it is not clear how much employment would be additional to that displaced. The accommodation would take trade from other providers.

If it was approved the same conditions as previously permitted under 49/18/0024 need to be applied and further conditions to protect local residents from noise and the associated shooting operation.

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), the Taunton Site Allocations and Development Management Plan (2016), 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.

CP8 - Environment,
 SB1 - Settlement Boundaries,
 SD1 - Presumption in favour of sustainable development,
 DM1 - General requirements,
 DM2 - Development in the countryside,
 CP1 - Climate change,
 CP2 - Economy,

Local finance considerations

Not applicable

Determining issues and considerations

The main issues in the determination of this application are the principle of development, landscape impact, economic benefit, highway safety and impact on residential amenity.

The principle of the development

Paragraph 83 of the NPPF supports the sustainable growth and expansion of all types of businesses in rural areas and the development and diversification of agricultural and other land-based rural business. Sustainable rural tourism and leisure developments which respect the character of the countryside are also

supported.

The site lies in an open countryside location where Core Strategy Policy DM2 enables the conversion of agricultural buildings.

The principle of converting the building under DM7 to a shoot facility has already been established under permission 49/18/0024 and the conversion has been carried out albeit not to the approved plans and the approved usage. This application is to regularise those works/use. The proposed application results in changes to the internal ground floor layout and fenestration details of the approved scheme with the inclusion of a first floor for the provision of overnight accommodation as ancillary to the permitted use of the building.

Although the use of the building for a shoot is sui generis, were the proposed accommodation to be considered similar to holiday/tourism accommodation, Policy DM2 3 supports such accommodation provided there is an identified need, is compatible with and supports economic diversification of an existing service enterprise.

The applicant has provided the following justification for the need for the accommodation:

Nowadays it has become critical, in order to keep pace with our competitors, that we are able to provide this type of 'private event' environment. Over 15 comparative shoots within 10 miles, all provide their own on-site guest accommodation.....We can arrange accommodation for ancillary staff, loaders, drivers and guests spread around premises locally, such at the White Hart Hotel, where it is unimportant for everyone to stay together. However, for the actual shooting participants (who can number up to 10 on each occasion), finding one venue with 10 available rooms all of a certain standard is simply impossible.....

Our shoot has been operating in this location for over 35 years however In the past 2-3 years we have lost significant business elsewhere but this facility now enables us to diversify and appeal to a wider range of clientele and remain competitive by not only offering the highest quality of shooting but at an equally high quality venue also. Before taking the decision to invest substantially in this facility, in addition to researching all local hotels, we did enquire as to whether nearby shoots had facilities to hire. Unfortunately, none of these were suitable as they all lacked the availability that we needed throughout the season due to other shoots block booking them for several years in advance, or already having exclusive rights to those premises.'

The accommodation will only be used in association with the shoot days which average 40 over the months of October to February (average usage of 10 days per month). A condition would ensure the accommodation remained ancillary to the use of the building by the shoot. The principle of converting the building to support the Bulland shoot has already been established and this proposal would further support this important rural enterprise. Whether considered under Policy DM2 3 or DM 7 the principle of the development is accepted.

Landscape impact

The proposed development will see minimal changes to the external appearance of the building other than the addition of timber stairs to the end elevations and the change in fenestration/door detail. The change in fenestration detail is welcomed as it replaces the previously approved 'domestic' windows with much simpler designed windows more fitting to the former agricultural building and its setting.

Changes have already been made to the profile of the land which again were assessed under the previous application and considered fully acceptable and a positive enhancement to the area.

A detailed landscape and visual impact assessment was submitted under application 49/18/0024 and the landscape impact of converting the barn with associated drive and parking area was considered acceptable subject to native landscape planting to screen the car parking area and around the building's curtilage. A landscaping scheme was approved in March 2019 and a condition will be imposed to ensure this is carried out in the next available planting season.

A comment has been made that the barn with additional rooflights will no longer look like an agricultural building from the B3227. Firstly views from the public highway are limited. Secondly conversion of the barn has already been approved and as stated above to a more domestic looking building. It is accepted that in providing accommodation in the roof, roof lights are required and although they are more in total, they are small. Polycarbonate sheeted roof lights are common place in most modern agricultural buildings and the building itself originally had 16 large rooflights covering both sides of the roof. A condition requested by the Council's ecological advisor will ensure that any external light does not effect bats which will mean that the level of illumination from this building will be adequately controlled.

Economy

The local councillor and some residents have referred to the impact the accommodation will have on local accommodation providers and in particular the White Hart Hotel in Wiveliscombe. The hotel owners however are fully in support of this proposal as they recognise that without the overnight accommodation it brings the viability of the entire shoot into question as shooters will choose to go to another shoot where accommodation is available. (There are some 15 shoots in the locality which offer overnight guest accommodation). Losing the Bulland shoot would be a massive loss to this local rural economy and more so in such uncertain financial times following Covid. The shoot employs a vast range of people, 48 during the actual shoot season (and of all ages) and 4 full time all year round. The shoot not only keeps the White Hart in business during times when otherwise it would be struggling but many local suppliers and farmers. The economic benefits to the area can be clearly seen and should be supported.

The shoot is also well know for its charitable donations to the local community and although this is not a material planning consideration in the determination of the application, the shoot supports the community not just through employment and the services it uses. Last season it donated £6000 to Wiveliscombe Community Centre and £5000 to Wiveliscombe Primary School and this should at least be recognised.

Highway safety

A full highway assessment was carried out under application 49/18/0024. The Highway Authority raised no objection to the application subject to surfacing the access and ensuring adequate drainage and ensuring the visibility splays at the junction with the B3227 are maintained. The access has since been surfaced and conditions to ensure maintenance of surfacing and the visibility splays will be

imposed.

In enabling guests to stay overnight this will reduce the number of vehicle movements as the guns will not leave at the end of the day to either return the next day or for new guns to arrive. The provision of overnight accommodation is to the benefit of highway safety.

Car parking was approved under the original permission and this remains the same and is sufficient to accommodate the number of users of the site.

Comments have been made that the shoot facility is in an unsustainable location however permission has already been granted to convert the barn for the shoot's use. Although this is a rural area and such locations are often considered unsustainable, the shoot utilise the adjoining land and the other drives are all close by. This makes the location for the shoot building sustainable. With the added benefit that vehicle movements will be reduced with the guns staying overnight, this proposal will result in a more sustainable development than previously permitted.

This is further supported by para 84 of the NPPF which states that decisions should 'recognise that sites to meet local business and community needs in rural areas may have to found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In such circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable'.

Amenity

The building lies some distance from residential dwellings, although it is acknowledged there is a dwelling to the east. This dwelling is some 60m from the site and separated by a close board fence which would help prevent overlooking. The effect of converting the building to a shoot facility and its potential impact on the amenity of the area was fully assessed and considered acceptable under the 2018 permission. With the alterations to the fenestration and doors there are still no windows in the elevation facing the dwelling. Although the proposal now includes overnight accommodation and on the first floor, given the design and distance of the building to the closest dwelling, the number of days the building is likely to be used during the 4 month occupation period (which coincides with the winter months when people would not be out in their gardens of an evening or have windows open at night), it is considered that the proposal will not further impact on residential amenity. There was no hours of use condition imposed on the permission for the conversion of the building to a shoot facility so were permission refused, the building could continue to used well into the night.

In terms of impact on the amenity of footpath users, a footpath runs south of site from Coate Barn to Culverhays Farm. The appearance of the building remains mostly unaltered from that approved and so users of the footpath would struggle to see any change. Walkers would have been used to seeing agricultural traffic and shoot vehicles accessing this land well before the formation of the shoot lodge as shooting and farming has occurred on this land for many years. A belt of native planting will surround the building and the car parking area. With the guns staying

overnight, vehicle movements will be reduced which if anything will enhance the amenity value of the area.

Comments regarding the impact of shooting activities on footpath users are not relevant to the consideration of this application. Shooting has occurred in this location for over 30 years. Providing the accommodation will not increase the number of days shooting, the number of shooters on any one drive or will bring the drives closer to residents of footpath users. Conditions as suggested by the local councillor to restrict shooting activities which can be carried out regardless of this application would be unreasonable and not meet the test for imposing planning conditions.

Other matters _

Ecology - The Council's ecological advisor recommends no objection subject to conditions to approve any external lighting to protect bats and to ensure there is some biodiversity enhancement, a condition to erect 4 house martin nests under the eaves of the northern elevation.

Although the concerns of the use of the helipad were fully examined under application 49/19/0059, with the helipad surface now removed, the applicant has confirmed they will use Dunkeswell Aerodrome and transport people from there. He also anticipates the amount of helicopter use will reduce as a result of the economic fall out from Covid.

Regarding the retrospective nature of this application, this is not a matter that can be taken into account. Any conditions imposed under permission 49/18/0024 and still relevant have been reimposed under this permission.

The Town Council refer to two small buildings on the site that allegedly do not have permission. One was an existing storage shed which has simply been re clad in timber to match the barn and one a simple garden shed which is not fixed and is temporary. From aerial photographs significantly more buildings occupied the site when the building was in agricultural use.

The comment that the applicant has not consulted with the community over their proposals is not a material planning consideration as there is no legal requirement for the applicant to do so.

The comment by the Town Council that this development should not become a hotel were the shoot to cease are also not relevant. The accommodation as proposed would be ancillary to the shoot lodge and a condition would ensure this. That being said, any future application would have to be judged on its own merits and is not a reason to refuse the current application.

Comments have been made that the sequential test was not followed in the assessment of the initial application for the conversion of the agricultural building to the shoot facility. Although not relevant in considering this proposal as permission has been granted and implemented, the officer in their report clearly referred to the sequential test. They concluded that a shoot facility would need to be located in a rural area due to the nature of its associated use and as it would result in local employment the proposal met no. 3 in the sequential hierarchy.

Re the comments that the conversion is actually a new build and not a conversion, again these relate to the original permission. The officer in their report did however refer to the removal of external walls but was content that the proposed development would still be a conversion satisfying policy DM7.

It is true that the building will be self contained but it has already been explained how the proposed use would also bring much wider economic benefits into the area.

Re the objection that the building will be used by 20 occupants, there are only ever 8-10 guns on any one shoot and so this dictates the number of occupants that would stay over. As confirmed by the White Hart Hotel owners, local accommodation is used for those supporting the guns such as their loaders. As is well known in pheasant shooting, the guns would stay together whilst more often than not, those in support of the guns are provided for away from the guns. After all, it is the guns who have paid for this exclusive activity.

Conclusion

The proposal is supported by both the NPPF and local planning policy. The proposed changes to the internal configuration and fenestration will not significantly alter the external appearance of the building and thus there will be no greater landscape impact. The use of the first floor for overnight accommodation will ensure the viability of the shoot which is invaluable to this local rural economy. The proposal is beneficial to highway safety in reducing daily vehicle movements resulting in a more sustainable development. Given the location and design of the building and its temporary use, it is considered that the impacts on residential amenity will not be affected. For these reasons it is recommended that permission is granted.

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

Contact Officer: Mrs K Wray

DECISIONS – 3 SEPTEMBER 2020

Site: WICK HOUSE, WIVELISCOMBE ROAD, NORTON FITZWARREN,
TAUNTON, TA4 1BT

Proposal: Change of use of land with conversion of 3 No. holiday lets into 1 No.
residential dwelling at Wick House, Wiveliscombe Road, Norton Fitzwarren

Application number: 25/19/0022

Reason for refusal: Dismissed

Decision Maker: Delegated Decision - Refusal



Appeal Decision

Site visit made on 27 July 2020

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th August 2020

Appeal Ref: APP/W3330/W/20/3251693

Wick House, Wiveliscombe Road, Norton Fitzwarren, Taunton, TA4 1BT

- 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 Lee Morgan against the decision of Somerset West and Taunton Council.
 - The application Ref: 25/19/0022 dated 14 October 2019, was refused by notice dated 10 December 2019.
 - The development proposed is described as 'change of use of land and building comprising 3 no. former holiday lets (Use Class C1) and ancillary domestic use associated with Wick House (C3) to a separate dwelling (Use Class C3)'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The original planning permission¹ for which a change of use is now sought was for a change of use from stores to holiday units at Wick House, Norton Fitzwarren. This permission was subject to a number of conditions, one of which sought to strictly control how the property would be used as a holiday let. This set out that 'The occupation of the building shall be restricted to bona fide

holidaymakers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.’ This condition was imposed as the Council did not consider the building to be suitable for permanent residential occupation because of its close relationship with farm buildings, the restricted curtilage, the inadequate size of the building and to ensure that the accommodation is available for tourism.

3. Notwithstanding the description of development on the application form, the Council’s decision notice and the appeal form describe the proposal as ‘Change of use of land with conversion of 3 No. holiday lets into 1 No. residential dwelling at Wick House, Wiveliscombe Road, Norton Fitzwarren’. It will be noted that the appeal form, and decision notice make no reference to ancillary accommodation. The existing permission does not include using the accommodation as ancillary to the main house. I am therefore dealing with the appeal on that basis.

¹ Council Ref 25/07/0023

Main Issues

4. The main issues are:
 - whether or not the building is suitable for converting to a permanent dwelling given its location; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Suitable for conversion

5. The Council’s strategy for managing the location of development is set out in Policy SP1 of the Taunton Deane Core Strategy 2012 (CS). This applies a sequential approach to the location of new development based on a settlement hierarchy. Policy SB1 of the Taunton Deane Site Allocations and Development Management Plan 2016 (SADMP) sets out that in order to maintain the quality of the rural environment and ensure a sustainable approach to development, proposals outside defined settlement boundaries will be treated as being within the open countryside and assessed against Policies CP1, CP8 and DM2 of the Core Strategy.
6. The appeal site is not included within any defined settlement boundary. It is therefore within the open countryside. Policy DM2 7.b sets out the types of development that are supported within the countryside. This allows for the conversion of existing buildings subject to a sequential approach based on a prioritised list of 7 uses. The conversion to a private residential use is not excluded but it is the last in this prioritised list and is only permitted in exceptional circumstances.
7. The National Planning Policy Framework (the Framework) supports the provision of housing development that reflect local needs. Paragraph 79 sets out that the development of isolated homes in the countryside should be

- avoided unless certain circumstances apply, including c) the development would re-use redundant or disused buildings and enhance its immediate setting.
8. I accept that Policy DM2 pre-dates the Framework. However, the policy does not preclude the conversion of existing buildings into residential use provided they are genuinely redundant or disused as demonstrated by the sequential approach. In my view, this approach is not inconsistent with the approach to rural housing set out within paragraph 79 of the Framework.
 9. The appellant has not provided any evidence of having undertaken a sequential approach to the reuse or conversion of the appeal property. Although not specifically referred to in the policy, it is apparent that if something cannot be used for the uses set out in the prioritised list that some form of marketing exercise will have been undertaken to demonstrate this. I have no evidence that such an assessment has been undertaken and that other uses have been considered and discounted. The proposal is therefore in conflict with this policy.
 10. The appellant has indicated that the holiday letting business ceased to operate in March 2017 due to low occupancy levels. This is not disputed. During my site visit I observed that some of the space was being utilised for general storage, however, the rooms were set up as 3 separate residential rooms with beds and bathrooms which appeared useable as a holiday let. Whilst I appreciate that the business may no longer have been viable for the appellant, there is nothing before me to suggest that this would be the case if someone else were to run the business. In the absence of firm evidence that the building is either redundant or disused, I cannot be certain that it would meet the circumstances as set out in paragraph 79 c) of the Framework.
 11. The appeal site is indicated to be some 700m from the nearest settlement of Norton Fitzwarren which forms part of the wider urban area of Taunton. This village benefits from a range of services and facilities. The site is located off the B3227, a country road which, at the time of my site visit, appeared to be reasonably busy and fast moving. The road is both unlit and has no footpaths and as such does not provide a safe route to the village for pedestrians although I have no reason to find it unsuitable for cyclists. In addition, there is a bus service which would provide access to nearby settlements although I have no details of the frequency of these services. Nevertheless, given this, I am satisfied that occupiers would not be solely reliant on the private car in order to access services and facilities.
 12. I also acknowledge that the level of trips associated with a private dwelling may be less than that generated by 3 separate holiday lets, although a permanent residence would be occupied throughout the year rather than the more seasonal occupation associated with holiday lets.
 13. Drawing together the strands of my assessment, I have found that insufficient evidence has been provided to demonstrate that the building is either redundant or disused and that it could neither continue in its current use nor be used for any of the other uses identified under Policy DM2 7.b. Whilst I accept that future occupiers would be able to access services and facilities by means other than a private car, this does not justify the conversion of this building to a private dwelling in this location outside a defined settlement.
 14. I conclude that the building is not suitable for conversion to a permanent dwelling due to its location. As such, the proposed development would conflict with Policies SP1, CP1, CP8, DM1 and DM2 of the CS and Policy SB1 of the SADMP.

These policies, together and amongst other things, seek to guide development to the most accessible and sustainable locations reducing the need to travel, restrict development in the countryside and outside settlement boundaries and requiring conversion schemes to take a sequential approach.

Character and appearance

15. The appeal property is a modestly sized, single-storey building within the grounds of Wick House, a detached property. It is positioned within an area of hardstanding and separated from the host property by a driveway with a hedge beyond. The building sits perpendicular to the host property so that only its gable end is visible through the vehicle access to Wick House and its roof above a hedge which runs along the rear elevation of the building. The wider area is rural in character, predominantly agricultural fields and some limited and dispersed development off the highway.
16. The proposed development would make a limited number of physical changes to the building to enable its conversion to a single dwelling. The plans indicate that a separate area of external space would be provided for the proposed house whilst the existing access would be retained and shared with the host property. Had I been minded to allow the appeal, I would have imposed a condition requiring the retention of existing hedge screening between the appeal building and both the highway and Wick House to ensure the proposed development remained as unobtrusive in the landscape as it does now. For these reasons, the proposed development would have a very limited effect on the rural landscape.
17. I conclude that the proposed development would not harm the character and appearance of the area. It would therefore not conflict with Policies DM1, DM2 or CP8 of the CS insofar as these seek to protect the rural and open character of the area.

Other Matters

18. There are no farm buildings within close proximity to the site building. The Council has found the size of the proposed dwelling would be satisfactory. I also note that the appellant has indicated that he would provide a suitable external domestic curtilage. However, these factors would not overcome the harm arising from the location of the development.

Planning Balance and Conclusion

19. The proposal would not result in harm to the character and appearance of the area. However, I have found that it would conflict with the Council's policies in terms of its location and that insufficient evidence has been provided to justify a change of use. As a result, the scheme would be in conflict with the development plan. I attach significant weight to this finding which is not altered or outweighed by my conclusions on the other issues. I therefore conclude that the appeal should be dismissed.

Rachael Pipkin

INSPECTOR

Site: LAND TO THE WEST OF REGENT STREET, BRADFORD ON TONE,
TAUNTON

Proposal: Outline planning application for the erection of 2 No. detached dwellings with associated works and pedestrian access to site for village play area on land to the west of Regent Street, Bradford On Tone

Application number: 07/19/0003

Reason for refusal: Dismissed

Decision Maker: Delegated Decision - Refusal



Appeal Decision

Site visit made on 27 July 2020

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th August 2020

Appeal Ref: APP/W3330/W/20/3252720

Land to the west of Regent Street, Bradford-on-Tone

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mitchell of Mitchell Partners against the decision of Somerset West and Taunton Council.
 - The application Ref: 07/19/0003 dated 4 April 2019, was refused by notice dated 29 November 2019.
 - The development proposed is described as 'erection of two dwellings facilitating the delivery of a children's play area for the village'.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The original application was made in outline with only access to be determined at this stage. All other matters were reserved for future determination. I have had regard to the existing and proposed site plans and the indicative layout of the proposed development as shown in these drawings but have regarded all elements of these drawings as indicative apart from the details of the access.

Main Issues

3. The main issues are:
 - whether the appeal site is a suitable location for new dwellings having regard to accessibility to services; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Suitable location

4. The Council's strategy for managing the location of development is set out in Policy SP1 of the Taunton Deane Core Strategy 2012 (Core Strategy). This applies a sequential approach to the location of new development which prioritises the most accessible locations. This focuses most new development in larger urban areas and permits limited development within larger rural centres. Smaller villages within rural areas, including Bradford-on-Tone, have defined settlement boundaries and only small scale proposals within the settlement boundary is considered acceptable. Development outside of defined settlements limits is treated as being within the open countryside.
5. Policy DM2 of the Core Strategy sets out the types of development that are supported within the countryside which does not include market housing development. However, a previous appeal¹ at Bagley Road, Rockwell Green established that this does not mean there is conflict. Other uses should be determined against Policy CP8 of the Core Strategy which deals with all development and other relevant development plan policies. The Council has since accepted this approach in subsequent appeal² and planning decisions³ for housing developments outside settlement limits.
6. Policy A5 of the Taunton Deane Site Allocations and Development Management Plan 2016 (SADMP) relates to accessibility. It states that residential development should be within walking distance of, or should have access by public transport to, a range of services and facilities. It refers to maximum acceptable travel times, which for public transport includes waiting time and walking times at each end of the journey.
7. The proposed dwellings would be located outside of the settlement boundary, albeit not isolated from other dwellings. It would be within walking distance of the main part of the village, where there are a limited number of facilities including a part-time village shop, public house, village hall and church. For other day-to-day services such as education and healthcare, occupants would have to access the nearby settlements of Taunton or Wellington.
8. The appeal site is indicated to be about 900m from a bus stop, Heatherton Park, with regular services to both these nearby larger settlements. The appellant has provided an assessment indicating that journey times would be within the maximum acceptable travel time for public transport. I have been provided with no evidence to disagree with this. However, access to the bus stop would be along a country lane, and whilst there is a pavement for most of its length, I observed that the road is unlit which would make this a less safe or practical option during the evening or at night-time. The distance to the bus stop would also make this a much less attractive choice for people with young children or those with restricted mobility. As

such, I am not persuaded that occupiers of the proposed development would not be reliant on a private car.

9. I appreciate that parts of the village are further from the bus stop than the appeal site. In this regard I have been referred to a recently granted planning permission⁴ for a dwelling on Lower Stoford Lane where accessibility issues were not raised. I have not been provided with the details of this case, and whether or not this is within the settlement boundary where small scale housing development is considered acceptable. I am therefore unable to draw a meaningful comparison with the scheme before me. In any case, I must assess the scheme before me on its own individual merits.
10. I accept that the proposed development is of a scale commensurate with the role and function of the village. However, its location outside the settlement boundary in combination with its unsatisfactory access to services other than by a private car make it an unsuitable location for new dwellings.

¹ APP/D3315/W/17/3179264

² APP/D3315/W/19/3220853

³ Council Ref: 28/18/0055 and 05/18/0057

⁴ Council Ref: 07/18/0007

11. I conclude that the appeal site is not a suitable location for new dwellings having regard to accessibility to services. It would therefore conflict with Policies SP1, SD1, DM2, CP6 and CP8 of the Core Strategy and Policies A5 and SB1 of the SADMP. These policies together and amongst other things seek sustainable development that reduces the need to travel, require residential development to be accessible by public transport, protect unallocated land and restrict development outside of defined settlement boundaries and within the open countryside.

Character and appearance

12. Bradford-on-Tone is a small village located on an elevated plateau within a rural landscape, characterised by open agricultural fields. The elevated position of the village makes it widely visible from surrounding fields and within the landscape. Development is predominantly linear with houses positioned along the main roads. The appeal site is a field which slopes away from the western edge of the village. It is accessed via a farm track which runs along the garden boundaries of Haywards Water, 1 Regent Green (No. 1) and 2 Jeanes Cottages on the edge of the village. No 1 and Jeanes Cottages are enclosed by a high hedgerow along this access which forms a natural and defined edge to the village.
13. The indicative drawings show two houses which would be positioned adjacent to the existing track, towards the top of the field and beyond the hedgerow boundary to No. 1 and Jeanes Cottages. Whilst adjacent to Haywards Water, the proposed houses would be some distance from and unrelated to this property which sits at a lower level within a substantial plot enclosed by hedges and trees.
14. The proposed houses would be set away from the main road off a long access road. This would not follow the established linear pattern of development within the village. The proposal would extend rather than 'round-off' the village boundary and would, through the addition of buildings and a domestic garden, urbanise this village edge.

15. The existing buildings including No. 1 and Jeanes Cottages are visible from the west, however with only their side elevations visible and separated by a long stretch of hedgerow facing in this direction they do not dominate. The proposed development being beyond the natural boundary to the village would be more prominent than existing development and highly visible due to the elevated position of the site on the edge of the village. Whilst I acknowledge the proposed development would not be visible from the north or east, this does not overcome the harm arising from its visibility from other angles. Indeed, my own observations of the existing development in the village and its visibility in the wider landscape, only serves to reinforce the need to maintain the village boundaries as they are in order to minimise the harm to the village setting from any further urbanisation along this edge.
16. Whilst details of layout, scale, appearance and landscaping are reserved for future consideration, even if restricted in height and structurally landscaped to soften the appearance on this village, in my view this would not overcome the urbanising effect of the addition of two dwellings on this highly visible side of the village. As such the proposed houses would detract from the existing village setting.
17. This leads me to conclude that the proposed development would be harmful to the character and appearance of the area. It would therefore conflict with Policy DM1, DM2 and CP8 of the Core Strategy. These policies together and amongst other things seek to protect the character and appearance of any affected landscape or settlement from unacceptable harm by development and to be compatible with the rural character of the area and seeks to protect greenfield land outside settlement boundaries in order to conserve the open character of the area.

Other considerations

18. The proposed development includes an offer to transfer land to the Parish Council for the provision of a children's play area for the village. The need for this provision is not disputed. The Parish Council has funding in place for children's play equipment but has no land on which to make the provision. During the course of the appeal, the appellant has provided a section 106 Agreement which provides a mechanism to transfer an area of land to the Council (or a nominee) no less than 1.1 acres of land within a field lying to the south of the village.
19. The precise boundary of the proposed play space is a matter for agreement between the Council and the appellant. The indicative location of the proposed play space would be at the rear of the gardens to properties fronting Regent Street with an agricultural field beyond. A pedestrian access to the play area would run between the drive leading to Jeanes Cottages and Avria, a house fronting Regent Street.
20. The proposed play area, wherever positioned within this field, would be on the edge of the settlement and isolated from surrounding development. As such it would not benefit from any form of natural surveillance. Furthermore, the location, next to an agricultural field, may impact on users of the play area by crop spraying activities. Even if a grass buffer area were to be provided to separate the play area from the agricultural activity as suggested by the appellant, I am not satisfied this would mitigate this potential harm. I also note that the Parish Council has found the site to be inadequate for play space and have confirmed that they have not identified this area as a preferred site.

21. The provision of land to create a children's play area at no cost to the Parish Council would be a community benefit. It would also reduce the need for residents to travel elsewhere to make use of such facilities. However, this does not overcome the inadequacy of the proposed location of this play area.
22. This leads me to conclude that there are no other considerations that outweigh the harm I have identified with regards to the location and the effect on the character and appearance of the surrounding area.

Conclusion

23. For the reasons set out above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR

Site: 2A DYERS CLOSE, WEST BUCKLAND, WELLINGTON, TA21 9JU

Proposal: Change of use of former village shop store into 1 No. one bedroom dwelling and retrospective reconfiguration at 2a Dyers Close, West Buckland (resubmission of 46/19/0015)

Application number: 46/19/0034

Reason for refusal: Dismissed

Decision Maker: Committee Decision – Refusal



Appeal Decision

Site visit made on 27 July 2020

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2020

Appeal Ref:

APP/W3330/W/20/3250206 2A

**Dyers Close, West Buckland, TA21
9JU**

- 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 John Uwejoma of UMA Construction Ltd. against the decision of Somerset West and Taunton Council.
 - The application Ref: 46/19/0034 dated 17 October 2019, was refused by notice dated 12 February 2020.
 - The development is proposed extension to form a one-bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant's name, as shown on the appeal form, differs from the name of the applicant which appears on the planning application form. The appellant has confirmed that this was a typographical error on the application form and that the appellant is Mr John Uwejoma of UMA Construction Ltd. as given on the appeal form. I have reflected this in the banner heading above and proceeded on that basis.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the living conditions of occupiers of 2 and 2a Dyers Close, with regard to outlook, sunlight and daylight; and
 - the character and appearance of the area.

Reasons

Living conditions

4. The appeal site forms the rear part of a corner plot with Number 2a Dyers Close (No. 2a) at the junction of Dyers Close and Silver Street. No. 2a along with Numbers 1 and 2 Dyers Close (Nos. 1 and 2) are positioned around the corner from the main part of Dyers Close with their front elevations facing towards Silver Street. No. 2a was originally a retail unit but has been converted into 2 flats. The appeal site comprises a single-storey building which provided storage space for the retail unit and is located behind these flats and adjacent to single-storey garages next to Number 3 Dyers Close.
5. The appeal building forms part of the southern boundary to the modestly sized garden of No. 2 and is positioned to the east and very close to but set back from the rear elevation of the flats within No. 2a.
6. The proposed development would extend above the single storey building to create a first floor. Whilst it would be set back from the rear elevation of No. 2a, it would nevertheless only be a short distance from the first-floor bedroom window. This currently has an open outlook towards the street which would be significantly reduced by the proposal. This would be harmful to the living conditions of the occupants of this flat.
7. The garden to No. 2 is east facing although with a relatively open southern boundary due to the modest height of the existing development along this side. Whilst set back from the rear elevation of the existing single-storey building, the additional height on the southern boundary of No. 2's garden would lead to an increased sense of enclosure of this space which would be harmful to the occupiers of No. 2. It would also be likely to reduce the amount of sunlight to this area thereby causing some overshadowing of this garden. I note that the garden to No. 2 is already overshadowed as a result of existing development, including No. 2 itself. However, I have not been provided with any substantive evidence that the proposed development will not significantly increase this.
8. The first-floor extension would also be very close to the windows in the rear elevation of No. 2a which serve a bathroom and bedroom, a habitable room, in each of the flats. In the absence of any technical evidence to show how much sunlight the bedroom windows would receive, I am not persuaded that the height, proximity and position of the first-floor extension would not cause an unacceptable loss of sunlight to these windows. It therefore seems to me that the bedrooms would be less sunny as a result of the development. This would be harmful to the occupiers of these adjacent properties.
9. The existing store is positioned very close to the ground floor bedroom of No. 2a. This room is served by two windows, one of which is very small and high level the other, larger window is largely blocked by an existing shed. It seems unlikely that

this bedroom currently receives adequate daylight. The additional height and the proximity of the proposed development to this window would be likely to further reduce this. I have not been provided with any technical evidence relating to the effect of the proposed development on daylight. Without this I cannot be certain that the proposed development would not cause an unacceptable loss of daylight to this property.

10. The appellant has highlighted that the position of the house will not cause a loss of privacy to properties on the opposite side of Dyers Close. However, this is a neutral factor.
11. I conclude that the proposed development would significantly harm the living conditions of occupiers of Nos. 2 and 2a Dyers Close, with regard to outlook, sunlight and daylight. It would therefore conflict with Policy DM1(e) of the Taunton Deane Borough Council Adopted Core Strategy 2011-2028 (Core Strategy) which supports development that does not unacceptably harm the amenities of individual dwellings.

Character and appearance

12. The surrounding area is residential in character, with properties in the immediate vicinity of the appeal site being two-storey and arranged in short blocks of semi-detached and terraced properties set back behind front gardens and driveways. This layout gives the area a spacious and open character.
13. The front elevation of the house would align with that of No. 3 although it would be separated from this by the adjacent garages. It would also have a front facing roof slope to match No. 3 and a stepped eaves level at the rear. Whilst the house would be a similar width to nearby houses, including No. 2a, it would be narrower than No. 3 with which it shares a frontage and at odds with the terraced and semi-detached blocks characteristic of the surrounding development. Furthermore, its ridge height would be lower than those of surrounding properties. This would make it appear as an arbitrary and awkward addition, at odds within the street scene.
14. The space between the rear of No. 2a and the side elevation of No. 3 is relatively wide due to the presence of the single-storey store and garages. This contributes to the open character of the area. The partial infilling of this gap would erode openness. However, more fundamentally, the proximity of the proposed development to the rear of No. 2a would make it appear unduly cramped. The use of matching materials to existing houses, whilst this would help to integrate the development within the street scene, would not overcome this harm.
15. I accept that the design of the development would result in a more traditional form of development whereby the two garages would sit between 2 two-storey house. However, this is not a characteristic feature of Dyers Close and therefore provides little justification for the development.
16. On the opposite corner of Dyers Close there are 2 houses which project forward of the established building, with a ridge running opposite to those of properties along Dyers Close. However, these are large properties occupying the entirety of a corner plot which align with development on Silver Street with which they also share a frontage. They are also not an infill development like the appeal scheme. As such, whilst they are more imposing than the proposal, they are not comparable and do not justify the scheme before me.

17. I conclude that the proposed development would harm the character and appearance of the area. It would therefore conflict with Policies DM1(d), CP1(g) and CP8 of the Core Strategy and Policy D7 of the Taunton Deane Adopted Site Allocations and Development Management Plan 2016. These policies together require new development to be a high quality of design, to integrate with its surroundings and not harm the appearance and character of the street scene.

Conclusion

18. For the reasons set out above and having regard to all other matters raised including the provision of adequate parking, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR

Site: BARTON HOUSE, BRADFORD ROAD, OAKE, TAUNTON, TA4 1DR

Proposal: Erection of 1 No. detached dwelling with associated works in the garden of Barton House, Bradford Road, Oake

Application number: 27/19/0028

Reason for refusal: Allowed

Decision Maker: Chair Decision – Refusal



Appeal Decision

Site visit made on 17 August 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2020

Appeal Ref: APP/W3330/W/20/3251631

Barton House, Bradford Road, Oake, Taunton TA4 1DR

- 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 & Mrs Browne against the decision of Somerset West and Taunton Council.
 - The application Ref 27/19/0028, dated 20 December 2019, was refused by notice dated 11 March 2020.
 - The development proposed is the erection of a dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling at Barton House, Bradford Road, Oake, Taunton TA4 1DR in accordance with the terms of the application, Ref 27/19/0028, dated 20 December 2019, subject to the attached schedule of conditions.

Main Issues

2. The main issues are:
 - i) The effect of the proposal on the character and appearance of the area;
 - ii) The accessibility to services with particular regard to the use of the private motor vehicle; and

- iii) The principle of development in locational terms having regard to the relevant policies of the development plan and the National Planning Policy Framework.

Reasons

Character and appearance

3. The appeal site is located on the fringes of Oake, outside of the village settlement boundary. This edge of the village has an open and low-density character including the recreation ground and village hall to the south, agricultural buildings and the residential development of Barton House, Barton Cottage and Lothlorien to the north.
4. The proposal would be located on a small paddock enclosed by post and rail fencing and a small section of close-boarded fencing. To the south side of the site are two timber framed barns. The proposal indicates use of the existing access which also serves Barton House.
5. The proposal would represent a form of infill within the ribbon development along Bradford Road. Whilst it would reduce an open gap, it would be of a low- density and retain a significant sense of space and openness at this point. It would be consistent with the grain and density of development within this fringe of village location. Furthermore, the dwelling would have a simple linear form with materials to reflect the local context, including timber cladding and slate tiles. Whilst the existing hedges along the highway and the south boundary cannot be considered permanent features, they would help the proposal to assimilate with its context and ensure that the development would not be visually prominent.
6. Therefore, in conclusion on the first main issue the proposal would not harm the character and appearance of the area. As such, the proposal would not conflict with Policies DM1 and CP8 of the Taunton Deane Core Strategy 2011- 2028, Development Plan Document, September 2012 (CS). Amongst other aims these policies seek to conserve the open character of the area, ensure development is appropriate in terms of scale, siting and design; vary density according to the character of the area and avoid unacceptable harm to character and appearance.

Accessibility to services

7. The appeal site is located within a reasonable walking distance of the services and facilities of Oake. There are pavements and street lighting outside the site. From my site visit I observed that the village shop and post office was in the process of relocated to the adjacent village hall. Furthermore, the site lies within walking distance of the services and facilities within the neighbouring settlement of Hillcommon.
8. Policy A5 of the Taunton Deane Adopted Site Allocations and Development Management Plan, December 2016 (SADMP) acknowledges that journeys within the district will occur by car, setting out maximum acceptable travel times for such trips. I have no evidence to indicate that relevant times would be breached. Regular travel beyond walking distances would be required to access wider services and facilities, including secondary education and employment. The Council acknowledge that the local bus service allows opportunity for commuting to Taunton town centre at the beginning and end of a working day.
9. Nonetheless a proportion of future occupiers' trips beyond the villages would realistically be carried out by private vehicle and the environmental impacts

of this, with vehicle emissions contributing to climate change impacts, weighs against the scheme. However, such effects would be very modest when associated with one dwelling. I am mindful that similar impacts could occur from housing development within the settlement boundary. In this specific case the appeal site is no more or less likely to rely on the private motor vehicle than any housing within the settlement boundary and would be equally likely to support the local rural services.

10. Therefore, in conclusion on this main issue the proposal would have adequate accessibility to services without undue reliance on the private motor vehicle. As such, the proposal would not conflict with Policy CP1 of the CS or Policy A5 of the SADMP. These policies seek amongst other aims to ensure that development demonstrably addresses issues of climate change, reducing the need to travel through the location and accessibility of development.

Principle of development

11. The proposed dwelling would be located outside of the village's defined settlement limits. Policy SP1 of the CS sets out that whilst no further housing allocations will be made for Oake in the plan period, some scope for small scale proposals within the settlement limits remains. However, outside of the settlement, proposals should be treated as being within the open countryside.
12. Policy SB1 of the SADMP seeks to maintain the quality of the rural environment, and secure a sustainable approach to development, by ensuring proposals outside of the settlement boundaries comply with Policies CP1, CP8 and DM2 of the CS. There is no evidence to indicate that the two exceptions within Policy SB1 are applicable here. As set out above, the proposal would not be in conflict with Policies CP1 and CP8. Furthermore, Policy DM2 sets out a permissive approach to a range of developments in the open countryside that are not applicable in this case. Therefore, whilst the proposal is not supported by this policy, nor does the policy specifically discount it either.
13. In addition, I am mindful that the National Planning Policy Framework (the Framework) sets out at section 5 the need to deliver a sufficient supply of homes. For example, paragraph 78 states that to support sustainable development in rural areas, housing should be located where it will enhance and maintain the vitality of rural communities. Whilst there is little evidence to suggest that the proposal meets an identified need, given its location and accessibility to local rural services and facilities, I place some weight on the benefit of supporting the vitality of rural communities even from one dwelling.
14. Therefore, in conclusion on the final main issue the principle of the development would be acceptable in locational terms having regard to the relevant policies of the development plan and the Framework. As such, the proposal would not conflict with Policies SP1, CP1, and SD1 of the CS and Policy SB1 of the SADMP.

Conditions and Conclusion

15. The Council have suggested a number of conditions. In order to define the terms of the permission and to protect the character and appearance of the area I have imposed the standard implementation and approved plans conditions. I have added reference to the appellant's application form in order to secure the schedule of materials that they specified therein and that were indicated on the

approved plans. In the interests of highway safety, I have imposed the suggested condition on parking and turning. Finally, I have added a condition to secure the submitted details in relation to foul and surface water drainage in the interests of flood risk and pollution prevention.

16. For the reasons given above I conclude that the appeal should be allowed.

James Taylor

INSPECTOR

Schedule of conditions:

- 1) The development hereby permitted shall be begun within three years of the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved details:
(A3) DrNo A0A Page 1 Site Location Plan, (A3) DrNo LSPB Page 2 Landscape Plan, (A3) DrNo PGPC Page 3 Proposed Ground Floor Plan, (A3) DrNo PFPD Page 4 Proposed First Floor Plan, (A3) DrNo PEPE Page 5 Proposed Elevations Plan, (A3) DrNo SECT Page 6 Proposed Section A2 and the Application Form.
- 3) The parking and turning area as shown on the approved plans shall be provided prior to the first occupation of the development and maintained thereafter. The parking/ turning area shall be made of porous material, or alternatively provision shall be made to direct run-off from the hard surface to a permeable or porous area or surface within the residential curtilage.
- 4) The surface and foul drainage as shown on the approved plans shall be provided prior to the first occupation of the development and maintained thereafter.

APPEALS RECEIVED – 3 SEPTEMBER 2020

Site: 12 BLACKMOOR ROAD, WELLINGTON, TA21 8ED

Proposal: Erection of a single storey extension to the rear of the garage with conversion into ancillary accommodation at 12 Blackmoor Road, Wellington

Application number: 43/20/0028

Appeal reference: APP/W3330/D/20/3255129

Enforcement Appeal:

Planning Decision Made By: Chair
