

# APPEAL DECISIONS – 16 DECEMBER 2021

**Site:** 86 BELMONT ROAD, TAUNTON, TA1 5NT

**Proposal:** Erection of a two storey extension to the side and rear of 86 Belmont Road, Taunton

**Application number:** 38/20/0332

**Appeal Decision:** Allowed

**Original Decision:** Delegated Decision – Refused



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## Appeal Decision

Site Visit made on 27 September 2021

by **Mr S Rennie BSc (Hons), BA (Hons),**

**MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 November 2021

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### Appeal Ref: APP/W3330/D/21/3266610 86 Belmont Road, TAUNTON, TA1 5NT

- 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 Ms Vicky Pritchard against the decision of Somerset West and Taunton Council.
  - The application Ref 38/20/0332, dated 14 October 2020, was refused by notice dated 27 November 2020.
  - The development proposed is the erection of a two-storey extension to the side and rear of 86 Belmont Road, Taunton.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey extension to the side and rear of 86 Belmont Road, Taunton TA1 5NT, in accordance with the terms of the application Ref 38/20/0332, dated 14 October 2020, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - 001 – Location and Block Plans
  - 005-002 Proposed Elevations
  - 006-002 Proposed Plans
  - 007-002 Measured Plans
  - 008-002 Proposed Views
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

## **Main Issues**

2. The main issues are the effect of the development on (1) the character and appearance of the area and host dwelling, and (2) the living conditions of neighbours to the site.

## **Reasons**

### **Design and Scale**

3. The proposed extension is of a design and appearance that would be in keeping with the existing semi-detached house, particularly with regard to matching materials for example.
4. The proposal would be a large extension, being two storey to both the side and rear of the existing house. From the front and within the street scene the side extension would be most prominent, but it would be set back from the front of the existing house and also set down from the existing ridge, giving it a sense of subserviency. Also, there are other two storey side extensions in the area and so would not appear out of keeping. The scale and design of the side extension as proposed within the street scene would not appear overly large or dominant.
5. There is also the rear extension proposed, which would be a particularly wide addition. However, this has less of a visual presence in the area. Combined with the proposed side extension this would add a substantial amount of volume to the existing house. Even with this additional volume this is a spacious plot which would not be overdeveloped, as indicated by the sizable rear garden that would remain if the proposed extensions were built.
6. Overall, the proposal does not harm the character and appearance of either the existing dwelling or the wider area, thereby being in accordance with policies DM1 of the Taunton Deane Core Strategy and D5 of the Taunton Site Allocations and Development Management Plan. These policies require that street scenes are not unacceptably harmed and that house extensions do not harm the form and character of the dwelling, amongst other things.

### **Living Conditions**

7. The proposed extension to the side and rear of the existing house would be close to the neighbour at No 84 Belmont Road. This neighbour appears to have extended to the side and rear of their property, if only at single storey. In these circumstances the proposed extension at No 86 would mainly be adjacent to the neighbour's extensions. Considering the layouts particularly, the proposed extensions would not result in significant overshadowing of this neighbour's garden which is towards

the rear of their plot. There does not appear to be any windows that would be unacceptably overshadowed either.

8. Also, with the proposed extensions being mainly positioned near to this neighbour's own extensions, it would not appear overbearing when viewed from the rear garden of No 84. This is my conclusion on this matter even when considering the existing rear extension at No 82 also. The extensions proposal would also not appear overly dominant or overbearing from any windows in No 84, particularly given the separation distances.
9. The extensions as proposed would be to the north of No 88 and so would not result in any significant overshadowing impact. There would be the side elevation wall of the proposed rear extension near to the boundary, but this is not of a depth that would result in a significant overbearing or dominating effect.
10. Overall, the proposal would not result in unacceptable impacts to the living conditions of either neighbours at Nos 84 or 88. The development would not have any significant impact to any other neighbouring occupants also. The proposal is therefore in accordance with policy DM1 of the Taunton Deane Core Strategy and policy D5 of the Taunton Site Allocations and Development Management Plan. These policies require that extensions do not harm the residential amenities of other dwellings, amongst other things.

## **Conditions**

11. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework.
12. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance.

## **Conclusion**

13. For the reasons given I conclude that the appeal should succeed, subject to the conditions included in this decision.

*Mr S Rennie*

INSPECTOR

**Site:** ORCHARD COURT, BLAGDON HILL ROAD, BLAGDON HILL, TAUNTON

**Proposal:** Erection of implement shed at Orchard Court, Blagdon Hill Road, Blagdon Hill (resubmission of 30/20/0042)

**Application number:** 30/21/0026

**Appeal Decision:** Allowed

**Original Decision:** Parish Decision – Refused



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## Appeal Decision

Site visit made on 17 November 2021 by **Matthew Jones BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 November 2021

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### Appeal Ref: APP/W3330/D/21/3281146 Orchard Court, Blagdon Hill Road, Blagdon Hill, Taunton TA3 7SL

- 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 P James against the decision of Somerset West and Taunton Council.
  - The application Ref 30/21/0026, dated 12 May 2021, was refused by notice dated 25 June 2021.
  - The development proposed is the erection of a new implement shed.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a new implement shed at Orchard Court, Blagdon Hill Road, Blagdon Hill, Taunton TA3 7SL under the terms of the application Ref: 30/21/0026, dated 12 May 2021, and in accordance with the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01 Rev B, 02 Rev C, 06 Rev A.

### Main Issue

2. The effect of the proposal on the character and appearance of the area, with reference to the Blackdown Hills Area of Outstanding Natural Beauty (AONB).

### Reasons

3. Orchard Court and its grounds are at the south edge of Blagdon Hill village, just within the AONB, the landscape and scenic beauty of which has the highest status of protection. The shed would be constructed at the south end of the site, just outside of Blagdon Hill's settlement boundary. This part of the site is well screened from the

public realm by dense and high boundary vegetation. It is currently in use for open air domestic storage. As such, it contributes very little sense of openness to the AONB.

4. The shed would be small with a traditional form and palette of materials. It would be well screened by the boundary greenery, with just the pitched roof and the top of its west gable likely to make any substantive impression on the street scene. It would be viewed as a subservient structure enclosed within the grounds of and well associated with Orchard Court. As such, the landscape and scenic beauty of the AONB would be unchallenged.
5. Accordingly, the proposal would have an acceptable effect on the character and appearance of the area, with reference to the AONB. It would accord with the relevant aims of Policies CP8 and DM1 of the Taunton Deane Core Strategy 2011-2028 (adopted 2012) and the National Planning Policy Framework.

Reference has also been made to Policy D5 of the Taunton Site Allocations and Development Management Plan (adopted 2016) However, as this policy relates to extensions to dwellings, not the erection of outbuildings, it is not relevant.

### **Other Matters**

6. The Council has also referred to the alleged absence of a proven need for the implement shed. However, I can see nothing in the Council's evidence, including the policies upon which it has relied, that explains or justifies why a domestic outbuilding within established residential curtilage is required to have a proven domestic, or indeed agricultural, need. Nonetheless, I am satisfied that the size of the shed is proportionate to the logical maintenance and storage demands emanating from Orchard Court's grounds, particularly given the amount of storage already in situ at the shed's proposed location.

### **Conditions and Conclusion**

7. In addition to the standard time condition, it is necessary for a condition to identify the plans in the interest of certainty. Given that suitable finish materials are annotated on the proposed plans, it is not necessary for a condition to insist that the shed match materials present on Orchard Court. The Council has also suggested that the shed should be restricted to ancillary uses in association with Orchard Court. However, as the shed is proposed for uses incidental to the dwelling, that would fail the test of reasonableness.
8. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be allowed.

*Matthew Jones*  
INSPECTOR

**Site:** Land adjacent to the Post Office, Swain Street, Watchet, TA23 0AD

**Proposal:** Erection of an attached two storey building with 1 No. dwelling on first floor with arched access at ground floor

**Application number:** 3/37/21/001

**Appeal Decision:** Dismissed

**Original Decision:** Delegated Decision – Refused



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## Appeal Decision

Site Visit made on 28 September 2021 by **Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 November 2021

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### Appeal Ref: APP/W3330/W/21/3274756 Land adjacent to the Post Office, Swain Street, Watchet, Somerset TA23 0AD

- 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 Graham Kennedy against the decision of Somerset West and Taunton Council.
  - The application Ref 3/37/21/001, dated 4 January 2021, was refused by notice dated 1 March 2021.
  - The development proposed is for the erection of an attached two storey building with 1 no. dwelling on first floor with arched access at ground floor.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the development on (1) the character and appearance of the area, including the significance of the Watchet Conservation Area (CA), and (2) the living conditions of both existing and future occupants.

# Reasons

## Conservation Area

3. The site is within the Watchet CA. In my view, the significance of this heritage asset is derived from the historic layout of the town centre and the many examples of well-preserved older historic buildings. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of planning functions. The National Planning Policy Framework (the Framework) also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
4. The proposal would span much of the gap in a wide alley opening which leads from Swain Street to a public car park. The current opening is a positive feature of Swain Street. This street is characterised with buildings built up to the public highway providing a continuous line of buildings, other than when interrupted by narrow openings leading to alleys or other similar type routes. These openings add to the intimate character of Swain Street and is part of the historic layout of this core area of Watchet.
5. Closing off some of this gap would result in the loss of much of this characteristic feature of Swain Street. It would significantly erode the positive visual contribution this alleyway entrance makes to the street scene character of Swain Street. There would remain an opening for vehicles to travel through, but it would be much smaller and less of a feature than the existing opening between the Post Office (PO) building (No 26) and No 19.
6. The proposed dwelling would be subservient in scale to No 26 Swain Street and would be of suitable materials. However, these aspects do not outweigh the harm identified with the issue of the enclosing of the alleyway entrance. There is an example raised of a similar type development nearby on Swain Street, but this appeal proposal would be particularly prominent within the street scene. Furthermore, a similar example elsewhere does not mean that the proposal would be less harmful in these circumstances, as the existing open gap is a positive feature within the CA which would be largely lost with the proposed dwelling.
7. Whilst I note the comments about the proposal being a form of overdevelopment, this is an area of high density buildings. However, it is the adverse impact to the character of the CA which is more harmful.
8. The proposed dwelling would be harmful to the character and appearance of the Conservation Area. Nevertheless, the harm would be less than substantial and in accordance with paragraph 202 of the Framework, that harm should be weighed against any public benefits of the proposal. The main public benefit would be the provision of a single dwelling towards housing land supply, but the benefit of one dwelling would be limited, whereas the identified harm attracts considerable importance and weight. The public benefits therefore do not outweigh the harm.
9. The proposal is therefore contrary to Local Plan Policies NH1 and NH13, which require development to sustain the historic environment in line with its interests and significance, and to be of a high quality design, amongst other things.

## **Living Conditions**

10. The proposed dwelling would be between a residential dwelling (No. 19) and a building containing a ground floor Post office (No. 26) and a first floor flat (No. 10 Peel Court).
11. For No 19, there is a small ground floor window which would be affected by the proposal, although the appellant has provided plans to show this to be a cupboard window. However, comments received from the owner of No 19 suggests this window brings daylight into a recess off the kitchen, currently used for laundry. Whilst this may not be a particularly habitable area of the house at No 19 currently, the proposal would result in a substantial loss of light to the extent that the window would serve little purpose other than ventilation. As such, I would regard such an impact as being unduly harmful to neighbour living conditions.
12. For No 26 (the PO) there is a single ground floor window adjacent to what appears to be the service area. As this is not a residential property it would not harm living conditions. The proposal would result in some loss of light to the PO, but from the evidence before me this would not have an impact which would warrant dismissal of the appeal.
13. The proposal also would seem to require the blocking up of a window on the first floor of the southern elevation of the first floor flat (No 10 Peel Court). There are no detailed plans before me to show what that window serves, other than the appellant stating that it is a secondary window for a bedroom that already has an outlook to the west. I have no reason to believe otherwise and so there would be no significant loss of amenity as a result.
14. The proposal is contrary to the Framework on this matter due to the impact to the occupants living conditions at No 19, particularly paragraph 130 which requires a high standard of amenity for existing and future users.
15. There would be no amenity space for future occupants of the proposed dwelling. However, this would be a small dwelling in a central area where there is access to some external public amenity areas. The entrance to the dwelling would not be clear when viewed from the street, but it would be visible. These issues would not have any significant living condition or design impacts. The living conditions of future occupants would be sufficient, in accordance with policy NH13 of the West Somerset Local Plan on this matter, which has regard to the requirement for high quality design.

## **Planning Balance**

16. The proposal would provide an additional dwelling towards local housing land supply in an accessible location within the town centre. However, it would fail to preserve the CA significance and also result in harm to neighbour living conditions. On balance, the harm to the CA and the general character and appearance of the street would significantly and demonstrably outweigh the benefits.

## **Conclusion**

17. For the reasons given above I conclude that the appeal should be dismissed.

*Mr S Rennie*

INSPECTOR



**Site:** Anstey Farm, Hawkwell Lane, Brushford, Dulverton, TA22 9RU

**Proposal:** Application for Outline Planning with all matters reserved for the erection of 2 No. holiday lodges/log cabins on site of 2 No. former free range poultry houses

**Application number:** 3/09/20/003

**Appeal Decision:** Appeal – Allowed  
Costs - Refused

**Original Decision:** Delegated Decision – Refused



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## Appeal Decision

Site visit made on 17 November 2021 **by Matthew Jones BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 November 2021**

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### Appeal Ref: APP/W3330/W/21/3280061 Anstey Farm, Hawkwell Lane, Brushford, TA22 9RU

- 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 Mr Hugh King-Fretts against the decision of Somerset West and Taunton Council.
  - The application Ref 3/09/20/003, dated 1 November 2020, was refused by notice dated 17 February 2021.
  - The development proposed is x 2 holiday lodges / log cabins on site of x 2 former free range poultry houses.
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### Decision

1. The appeal is allowed and planning permission is granted for x 2 holiday lodges / log cabins on site of x 2 former free range poultry houses at Anstey Farm, Hawkwell Lane, Brushford, TA22 9RU under the terms of the application Ref: 3/09/20/003, dated 1 November 2020, and in accordance with the conditions in the attached schedule.

### Application for Costs

2. An application for costs was made by Mr Hugh King-Fretts against Somerset West and Taunton Council. This application is the subject of a separate decision.

## Procedural Matters

3. The planning application was made in outline with all matters aside from access reserved. I assessed the appeal as such, taking reference from drawing Ref: 055.20.001 on an illustrative basis.

## Main Issue

4. The main issue is the suitability of the site for the proposal, having regard to the development plan's approach to the delivery of tourism development.

## Reasons

5. Anstey Farm occupies a rural location to the east of the small settlements of East Anstey and West Anstey. The local road network is very basic as it is largely single track, unlit, devoid of dedicated pedestrian space, and turns and weaves across the area's topography.
6. Policy EC9 'Tourism outside of settlements' of the West Somerset Local Plan to 2032 (adopted 2016) (WSLP) supports new tourism development within the open countryside under certain circumstances. These are: where it can be demonstrated that its location is essential to the business and the proposal could not be located elsewhere; when the scheme does not adversely affect the vitality and viability of neighbouring settlements; and where it complements the existing tourism provision of those settlements and the surrounding area without generating new unsustainable transport patterns.
7. The construction of the first criterion of the policy leaves room for interpretation. In my view, the criterion relates to the physical location of the proposed development in relation to, in this case, the holding at Anstey Farm. I see nothing in its wording that translates to a requirement for a business case to be made nor for the tourism use to comprise rural diversification, which is a subject directly addressed by a different policy within the WSLP.
8. The respective locations for the proposed holiday lets comprise flat areas within the holding. They appear to already benefit from connections to utilities associated with the poultry houses and are accessed by established tracks. On this basis, I have no reason to conclude that it is not essential for the business that they are sited where they are proposed. Given that this scheme is for a modest quantum of two holiday lets, there is no evidence that the vitality or viability of East and West Anstey would be adversely affected.
9. These settlements contain little in the way of facilities, and those they do have are largely not for leisure as such. Whilst Dulverton, with its more extensive breadth of services, is fairly close by, the intervening highway network is as basic as that around the site, and I am also not aware of any public transport serving this area. It is clear, on this basis, that occupants of the holiday lets would be almost entirely dependent on travel by the private motorcar.
10. However, existing tourism facilities are commonplace within this area, despite its remoteness, likely owing to the proximity to Exmoor and the Exe Valley. The scheme would therefore complement this existing provision and would modestly augment the existing transport pattern associated with these facilities, as opposed to creating a new pattern of travel itself. For these reasons, the proposal would find the support of Policy EC9.

11. The dependency of future tourists on private motor travel would, however, bring the scheme into conflict with Policy TR2 insofar as it seeks to reduce reliance on the private car and maximise the attractiveness of other transport modes. Policy OC1 of the WSLP precludes development in the countryside unless there are certain circumstances. Given that new build tourism development is not listed as one such circumstance, the scheme would conflict with this policy. The policy does refer to an economic and functional test for new dwellings, but this is only in relation to dwellings which are applicable to the circumstances that it lists.
12. However, the WSLP clearly envisages and supports the provision of tourism development in rural locations, as articulated by the title and content of Policy EC9. The transport test set by Policy EC9 concerns the generation of new transport patterns, not the stricter test of reducing car use. This is rational because tourism development is often drawn to scenic rural locations which regularly have limited access to services. I am also mindful that Policy EC9 presents the WSLP's bespoke policy expression on the subject of rural tourism.
13. As such, I consider the dominant policy in respect of this appeal to be Policy EC9, and I attach significant weight to the accord of the scheme with it. The conflict that would arise with Policies OC1 and TR2 attracts considerably less weight in my judgment. This leads me to conclude that the site would be suitable for the proposal, having regard to the development plan's approach to  
  
the delivery of tourism development. Despite the conflict with Policies TR2 and OC1, the scheme would accord with the development plan when read as whole.

## **Conditions**

14. In the interest of the character and appearance of the area, it is necessary to ensure that finish materials are submitted to and agreed by the Council prior to their installation. Conditions are also required to ensure that the holiday lets are used solely for that purpose, and to deliver biodiversity net gain. Given the potential for bats to be present at Anstey Farm, it is essential that the specification of any external lighting is prior agreed with the Council. It is also necessary in the interest of highway safety that space for motor vehicle turning and parking is set out within the site and retained to ensure that vehicles can return to the highway in a forward gear. In the interest of flood and pollution prevention, it is necessary that foul and surface water drainage details are also prior agreed with the Council prior to the first use of the holiday lets.

## **Conclusion**

15. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be allowed.

*Matthew Jones*

INSPECTOR

## Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan A4; Location Plan and Block Plan 1:1250 scale.
- 4) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.
- 5) The holiday lodges / log cabins shall be occupied for tourism purposes only and not as a person's sole or main residence. The site operator or owner shall maintain an up-to-date register of the names of all owners/occupiers of the individual holiday lodges / log cabins on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable times to the Local Planning Authority.
- 6) Prior to the installation of external lighting, 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) to demonstrate that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design and retained as such thereafter. No other external lighting shall be installed.
- 7) The following will be integrated into the design of the holiday lodges / log cabins: A bat box will be mounted on a side elevation of the holiday lodges/log cabins (one on each cabin) and maintained thereafter; a bee box will be attached to a wall approximately 1 metre above ground level on the holiday lodges/log cabins (one on each cabin) and maintained thereafter.
- 8) Prior to occupation of the holiday lodges / log cabins, works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained in that form.

The development hereby approved shall not be occupied until space has been laid out, drained and surfaced within the site in accordance with the approved plans for the parking, turning, loading and unloading of vehicles, and such areas shall not thereafter be used for any purpose other than the parking, turning, loading and unloading of vehicles.



## Costs Decision

Site visit made on 17 November 2021 by **Matthew Jones BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 November 2021

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### Costs application in relation to Appeal Ref: **APP/W3330/W/21/3280061 Anstey Farm, Hawkwell Lane, Brushford, TA22 9RU**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Hugh King-Fretts for a full award of costs against Somerset West and Taunton Council.
  - The appeal was against the refusal of planning permission for x 2 holiday lodges / log cabins on site of x 2 former free range poultry houses.
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### Decision

1. The application is refused.

### Reasons

2. The Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of an appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
  3. The applicant asserts that the Council acted unreasonably as it failed to cooperate or to work pro-actively with the applicant, failed to have regard to its pre-application advice, and failed to determine the application within the statutory time period without reason.
  4. I can understand the applicant's frustration in the lack of response from the Council before planning permission was refused, especially as it then went on to divert from its pre-application advice. However, the Council has maintained its stance at the appeal and there is no substantive evidence that demonstrates that, had additional dialogue taken place, the appeal could have been avoided.
  5. Whilst the Council also failed to determine the planning application within the statutory timescale, there is no link between this issue and costs accrued during the appeal. The same is said for the divergence from the pre-application advice, the tone of which is advisory and thus somewhat non-committal in any event. That the pre-application advice can offer no guarantee of the Council's ultimate decision is also set out at the outset of the advice.
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6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. An award of costs is not justified.

*Matthew Jones*

INSPECTOR

<https://www.gov.uk/planning-inspectorate>

**Site:** The Old Forge, Park Lane, Carhampton, TA24 6NL

**Proposal:** Replacement of outbuilding with the erection of a detached annexe to be used as ancillary accommodation to the main house

**Application number:** 3/05/21/004

**Appeal Decision:** Allowed

**Original Decision:** Delegated Decision – Refused



The Planning Inspectorate

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## Appeal Decision

Site Visit made on 27 September 2021 by Mr S Rennie BSc

(Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2021

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### Appeal Ref: APP/W3330/D/21/3277914 The Old Forge, Park Lane, Carhampton, Somerset TA24 6NL

- 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 Ms Sally Gallia against the decision of Somerset West and Taunton Council.
  - The application Ref 3/05/21/004, dated 8 March 2021, was refused by notice dated 12 May 2021.
  - The development proposed is the replacement of an outbuilding with the erection of a detached annexe to be used as ancillary accommodation to the main house.
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### Decision

1. The appeal is allowed and planning permission is granted for the replacement of an outbuilding with the erection of a detached annexe to be used as ancillary accommodation for The Old Forge, Park Lane, Carhampton, TA24 6NL in accordance with the terms of the application Ref 3/05/21/004, dated 8 March 2021, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1853.1/201A and 1853.1/200.
- 3) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling currently known as The Old Forge, Park Lane, Carhampton.

- 4) Prior to their use in the construction of the approved development, details/samples of the materials to be used in the construction of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details / samples.
- 5) No vegetation removal or demolition shall take place during the bird nesting season (March - September inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing, which shall be first sent to the Local Planning Authority for confirmation before any vegetation removal or demolition works.

## **Main Issue**

2. The main issues are whether the proposal would preserve the setting and significance of a Grade II listed building, now known as The Old Forge, and its features of special architectural or historic interest that it possesses.

## **Reasons**

3. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) is relevant to this appeal as it requires special regard as to whether to grant planning permission for development which affects a listed building or its setting. The National Planning Policy Framework also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
4. The proposed outbuilding would be used as ancillary accommodation to the main house and would be located in the rear garden. The house is the listed building and The Old Forge (previously known as The Old Smithy) dates from the 19<sup>th</sup> Century. Its significance derives from it being an historic building with an appearance and character reflective of its age within this rural village. Being within the rear garden close to the rear elevation of the listed building the development would be within the setting of this heritage asset.
5. Currently there is an outbuilding towards the rear of the garden, in the same approximate position to the proposed annex. It is overgrown currently, but from my observations it is a structure of no particular architectural merit that does not contribute positively to the setting of this listed building. The proposed annex would be of a similar size to the existing structure, although with a higher pitched roof.
6. The additional height of the proposed replacement outbuilding would mean some views of the rear of The Old Forge from outside of the site could be obscured to some extent, compared with the current situation. However, the difference would be minor with there likely to be views still available to appreciate the rear of this listed building and its roof. I would regard this matter as having no material impact to the setting of the listed building or its appreciation.
7. The proposed annex is on a higher level than the listed house. However, considering that the levels difference is not substantial and that there is a clear separation distance between the proposed annex and the listed building, then the proposal would not visually compete, be overbearing or detract from the listed building.



8. The proposal is of an appropriate simple design and scale for its context. Although the garden is modest in size there is sufficient space for the annex without appearing cramped, especially given it would replace an outbuilding of a similar size. There is no substantive evidence that the proposal would result in the loss of any significant or important trees.
9. Given the above I conclude that the proposal would preserve the setting, significance and the special historic interest of the Grade II listed building. This would satisfy the requirements of the Act and the Framework and would not conflict with policies NH1 and NH2 of the West Somerset Local Plan to 2032. These policies seek, among other things, to ensure the sustaining of the historic heritage within the district and to conserve and enhance the built and historic environment.

## **Other Matters**

10. The proposal is for an ancillary outbuilding and not an independent dwelling. This can be conditioned to ensure this would remain the case. As such, there is no reason to consider the proposal as a separate dwelling.
11. There has been the issue raised as to whether there is a need for the proposed annex. However, whilst I note the reasoning given in relation to the need for carer accommodation, as I have not found any harm with the proposed development then there is no requirement for the development to demonstrate a particular need.
12. I acknowledge the surrounding highways are narrow and there appears to be only one parking space at the Old Forge. However, the proposal would be a small addition and I have no substantive evidence that any consequential additional parking need could not be accommodated, even if that meant onstreet parking.
13. The demolition and construction process may be difficult to organise, but this is a relatively small development and should be feasible without resulting in adverse highways impacts or unacceptable noise and disturbance to neighbours.
14. There has been a 'Preliminary Ecological Appraisal Report' submitted with the appeal. This provides evidence that the structures have a negligible suitability for bats, based on a lack of any evidence of bats or suitable roost features. The Report does advise against works in the bird nesting season, which can be a requirement via condition. Given the small scale of the proposals I do not regard there to be the need for any other ecology based conditions. There is no substantive detail of badgers being potentially affected by the proposed development.
15. The proposal is to use soakaways for its surface water drainage. I have no substantive evidence to suggest this is not suitable for the development.

## **Conditions**

16. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework.
17. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance.
18. As the annex is proposed as an ancillary building then this should be required to remain as such through a condition.

19. As recommended in the Preliminary Ecological Appraisal Report, I have attached a condition to ensure works do not take place during nesting season.

## **Conclusion**

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

*Mr S Rennie*

INSPECTOR