

APPEAL DECISIONS – 15 September 2022

Site: 24 BURLINCH, BURLINCH LANE, WEST MONKTON, TAUNTON, TA2 8LS

Proposal: Change of use and conversion of first floor of garage to holiday let accommodation at 24 Burlinch, Burlinch Lane, West Monkton

Application number: 48/21/0040

Reason for refusal: Dismissed

Original Decision: Chair - Refusal

Appeal Decision

Site visit made on 28 June 2022

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th July 2022

Appeal Ref: [APP/W3330/W/22/3291578](#)

24 Burlinch, Burlinch Lane, West Monkton, Taunton, TA2 8LS

- 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 and Mrs Richmond against the decision of Somerset West and Taunton Council.
 - The application Ref 48/21/0040, dated 24 June 2021, was refused by notice dated 6 September 2021.
 - The development proposed is change of use of garage first floor to holiday let accommodation with minor amendments to building.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Although reference has been made in the first reason for refusal to Policy SD1 of the Taunton Deane Site Allocations and Development Management Plan, adopted December 2016 (SADMP), the Council has confirmed that this policy is actually part of the Taunton Deane Borough Council Core Strategy 2011-2028, adopted September 2012 (CS) and I have determined the appeal on this basis.

Main Issue

3. The main issue is the site's suitability for holiday use bearing in mind the Council's strategy for the conversion of existing buildings, to support sustainable patterns of development, and economic growth and diversification.

Reasons

4. The existing dwelling and its adjacent garage are in the countryside, some distance from the nearest village. The appeal site is remote from services and facilities and is accessed by a single-track, undulating lane. Whilst there are public footpaths and bridleways nearby, the site's isolated location means that occupiers of the proposal are likely to be reliant on private vehicles for at least some of their activities.
5. CS Policy DM2, which relates specifically to development in the countryside, supports the conversion of existing buildings, including for holiday accommodation, in certain circumstances. Furthermore, as part of its economic objectives for sustainable development, the National Planning Policy Framework (the Framework) supports rural tourism development, recognising that such sites may be beyond existing settlements and not well served by public transport.
6. Although evidence of the need for holiday accommodation locally has been provided, Part 3a of CS Policy DM2 only supports such accommodation where it involves diversification for farming and service enterprises, which does not apply here. Part 3c supports tourist facilities, rather than accommodation, and so is not directly relevant to the proposal.
7. Part 7 of CS Policy DM2 also supports the conversion of existing buildings, but subject to a sequential approach which places community, business and employment-generating uses (including those under former Class B of the Use Classes Order) above holiday and tourism uses. The justification to the policy identifies the lack of access to employment opportunities and low pay in the countryside and seeks to encourage economic growth. As such, it makes clear that community, business and employment-generating uses are appropriate and preferred in these circumstances. This is consistent with the Framework, which encourages different business uses in rural areas, not just tourism.
8. The appellant argues that the building is not suitable for community or business uses. The site has a poor access and so I accept that uses which would generate significant levels of traffic would not be suitable here. The site is in residential use, but the appeal building is separate from the dwelling and partially divided from it by landscaping and the site levels. No substantive evidence is before me to suggest that community or employment-generating uses have been actively considered by the appellant or that they would be harmful in respect of the living conditions of the occupiers of the host dwelling, or for any other reason.
9. I have been referred to previous decisions by the Council at Cheddon Fitzpaine¹ and at Coombe Lane, West Monkton². I do not have full details of these cases, but they appear comparable to the proposal. In these instances, the Council adopted a different approach and did not require a sequential assessment of alternative uses to be undertaken. The Council has not indicated why it adopted an apparently different approach in these cases, though I note reference at Coombe Lane to the potential effects of alternative uses on the living conditions of occupiers of the dwelling.
10. These decisions are an important material consideration, as is the need for consistency in decision-making. However, this must be set against the need to properly apply the policies of the Development Plan. CS Policy DM2 sets out a clear hierarchy and justification for its sequential approach, against which I

have found conflict.

11. I therefore conclude that the proposal does not comply with the Council's strategy for the conversion of existing buildings, to support sustainable patterns of development, and economic growth and diversification. Policy SD1 has been referenced in the evidence before me, but given its particular focus, is not relevant to my reasoning. Nevertheless, for the reasons given above, the proposal would conflict with CS Policy DM2. It would also be at odds with CS Policy SP1, which seeks to focus new development to the most accessible locations, as well as conflicting with the Framework and its encouragement for business uses in rural areas.

¹ LPA reference 48/15/0034

² LPA reference 48/19/0007

Other Matters

12. The proposal has the support of West Monkton Parish Council. It would also result in benefits including bringing additional tourists to the area, addressing any need for tourist accommodation and providing income from the Community Infrastructure Levy. It may well be more energy efficient than a new-build scheme. However, I have no detailed information to show how the proposal would compare with development that complies with CS Policy DM2 in these respects, and so can give them only modest weight. As such these benefits do not overcome the conflict with the Development Plan.
13. The proposal would have no undue impact on the living conditions of any other dwelling, nor in respect of its visual impact or highway safety. The Council has not cited any conflict with the West Monkton Neighbourhood Plan. These matters are however essentially neutral in the planning balance. I have also considered whether conditions could be attached to ensure that the property remains connected to the host dwelling, but this would not overcome the conflict I have identified above.
14. The Council's second reason for refusal refers to the site's location within the catchment area of the Somerset Levels and Moors Special Protection Area and listed Ramsar site (the SPA). As a European Designated Site and Ramsar site, this is protected pursuant to the Conservation of Habitats Regulations 2017 as amended.
15. In the event that I had found no harm in respect of the first issue, the competent authority (in this case myself) would need to carry out an Appropriate Assessment in respect of the potential effects of the proposal on the SPA. However, as I have found against the appellant on other substantive grounds, this matter need not be considered any further in this case.

Conclusion

16. For the reasons given, there would be conflict with the Development Plan, read as a whole. No material considerations have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. I therefore conclude that the appeal should be dismissed.

O Marigold
INSPECTOR

Site: Land to the rear of 13 Ponsford Road, Minehead, TA24 5DX

Proposal: Erection of 1 No. detached two bedroom dwelling with garden and parking

Application number: 3/21/20/097

Reason for refusal: Dismissed

Original Decision: Chair - Refusal

Appeal Decision

Site visit made on 10 May 2022

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2022.

Appeal Ref: [APP/W3330/W/22/3292193](#)

Land to the rear of 13 Ponsford Road, Minehead TA24 5DX

- 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 Hurley against the decision of Somerset West and Taunton Council.
 - The application Ref 3/21/20/097, dated 2 December 2020, was refused by notice dated 17 September 2021.
 - The development proposed is erection of a detached two bedroom dwelling with garden and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues are the effect of the proposal on:
 - the character and appearance of the area, and
 - the living conditions of the occupiers of 13 and 15 Ponsford Road, and of the proposed dwelling.

Reasons

Character and Appearance

3. Ponsford Road consists primarily of detached and semi-detached dwellings. The appeal site currently forms part of the rear garden of No 13, which is adjacent to similar gardens of other properties in this road. The large semi-detached villas, and the space and vegetation provided by the existing long rear gardens, contribute to Ponsford Road's pleasant, suburban character.
4. The proposal would face onto Vennland Way, which is perpendicular to Ponsford Road. These roads, with nearby Cat Lane, have commercial and industrial buildings, and there is a large retirement home opposite the site of the proposal. Whilst these give the area a somewhat varied character, the garden to No 13 provides a sense of openness and greenery that owes more to the strongly suburban character of the dwellings of Ponsford Road.
5. The dwelling would be sited next to the existing garage serving No 13, close to a recently erected dwelling that also faces Vennland Way. The height, design and materials of the proposal would be similar to that property, as would its position set back from the edge of the road.
6. However, the proposal would have a two-storey height across its width, resulting in a large mass and scale. Whilst a gap would be maintained between the proposal and No 13, the scale of the new dwelling would reduce the sense of space and openness provided by the appeal site at present. As such, it would interrupt and detract from the positive contribution that the long garden at No 13 makes to this part of Vennland Way and its low-density and suburban character.
7. Furthermore, a large part of the proposed plot would be taken up with the dwelling and its parking. Although I accept that the adjacent new dwelling also has a limited plot size, this is an exception to the general character which, I understand, was partially justified by the previous building on that site. In the context of its surroundings, the limited plot size and the extent of development would result in the proposal appearing cramped and out of place, when seen from both Ponsford Road and Vennland Way.
8. For these reasons, I conclude that the proposal would harm the character and appearance of the area. As such, it would be contrary to Policy NH13 of the West Somerset Local Plan (WSLP), adopted 2016, which in summary, seeks to ensure that proposals integrate appropriately with their surroundings. For similar reasons it would also conflict with the advice in the National Planning Policy Framework (the Framework) that development must be sympathetic to local character.

Living Conditions

9. The prevailing plot sizes of properties in Ponsford Road are narrow in width. As a result, the rear elevation of the proposal would be positioned close to the boundary of the rear garden of No 15. This, together with the length and resultant mass of the proposal, means it would have an

enclosing and overbearing impact on users of the rear garden to No 15, made greater by the largely unrelieved form of its rear elevation. As such the proposal would have a greater, more harmful impact on the garden to No 15 than existing buildings.

10. There would be no windows facing No 13 and the ground floor door could be screened by adequate boundary treatments. The proposed dwelling would have no windows facing to the rear, other than high level rooflights, which would not allow for views into the garden of No 15. I find that there would be no undue loss of privacy to the occupiers of existing properties. The occupiers of No 13 would have a smaller garden, but its size would still be sufficient to provide it with adequate living conditions.
11. The rear gardens of other properties in Ponsford Road are far enough away from the proposed building for the living conditions of their occupiers to be broadly maintained. The proposal would have its own external recreational space and would be a sufficient distance from existing dwellings to ensure its occupiers would have adequate living conditions in respect of outlook and privacy.
12. Nevertheless, for the reasons given above, the proposal would harm the living conditions of the occupiers of 15 Ponsford Road. As such, it would be contrary to Policy NH13 of the WSLP, which requires that a proposal must respond positively to its neighbours. For similar reasons it would also conflict with the advice in the Framework regarding ensuring a high standard of amenity.

Other Matters

13. The proposal would result in an incremental addition to housing supply, and there would also be benefits associated with supporting employment during construction, and from future occupiers who would bring trade to the area. Nevertheless, the benefits of one new dwelling in that context would be very modest.

Conclusion

14. For the reasons given above, I have found conflict with the Development Plan, read as a whole. No material considerations have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. I therefore conclude that the appeal should be dismissed.

O Marigold

INSPECTOR

Site: Cloverfield Barn, Lower Weacombe, Taunton, TA4 4ED

Proposal: Demolition of agricultural building and erection of 1 No. dwelling with associated works utilising the Class Q fallback position

Application number: 3/28/21/006

Reason for refusal: Dismissed

Original Decision: Delegated - Refusal

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Appeal Decision

Site visit made on 28 June 2022

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th July 2022

Appeal Ref: [APP/W3330/W/22/3292573](#)

Cloverfield Barn, Lower Weacombe, Taunton TA4 4ED

- 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 and Miss Keen and Sear against the decision of Somerset West and Taunton Council.
- The application Ref 3/28/21/006, dated 7 June 2021, was refused by notice

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- dated 19 November 2021.
 - The development proposed is Erection of a dwelling utilising the Class Q fallback position.
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Decision

2. The appeal is dismissed.

Preliminary Matters

3. As part of their submission, the appellants have provided amended plans, including showing changed materials. Given the relatively small extent of the changes, no parties' interests would be prejudiced if I take these amended plans into account. I shall therefore determine the appeal on these plans.
4. In its decision, the Council's first reason for refusal refers to paragraph 172 of the National Planning Policy Framework (The Framework). The Council has subsequently acknowledged that it should instead have referred to paragraph 176 of the Framework, in respect of the Quantock Hills Area of Outstanding Natural Beauty (AONB). However, the correct wording was used in the Officer's Report and so the appellant has not been prejudiced by this.
5. The Council's second reason for refusal relates to potential ecological impacts from the development and that insufficient information had been provided in this respect. Subsequently, the appellants have undertaken a Preliminary Visual Assessment for bats and breeding birds, which has found no evidence of these species within the building.
6. The Council has confirmed that it no longer wishes to pursue the second reason for refusal. I see no reason to disagree and Policy NH6 of the West Somerset Local Plan to 2032, adopted November 2016 (WSLP), which relates to nature conservation, has been satisfied.

Main Issue

7. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

8. The site is a large, agricultural building, located in an area that consists primarily of open countryside, fields and farm buildings. Dwellings are often simple cottages or farmhouses, many being set close to and either parallel or perpendicular to the road. These features, together with the steep slopes of the landscape within the nearby AONB, give the site a deeply rural, agricultural character.
9. The design of the proposal has been the subject of several iterations and would use local sandstone and slate, in accordance with the Council's Draft Design Guide Supplementary Planning Document 2021, which has been drawn to my attention. It would also use detailing in the form of brick quoins and varied roof types. The proposal is intended to have a

barn-like feel in places, with the Design and Access Statement referring to a traditional threshing-barn appearance, whilst references have also been taken from dwellings nearby.

10. However, as a whole the design is somewhat confused, with different elevations giving differing impressions of either a farmhouse or a converted barn. The siting and U-shape footprint of the proposal means that its main element would be positioned well away from the road frontage, whilst the entrance driveway and hardstanding would be sited more or less centrally.
11. These elements give the proposal a domestic, planned layout that does not reflect the local vernacular. In particular, it would be different from nearby Lower Weacombe, where the farmhouse identified by the appellant is close and perpendicular to the road, with courtyard buildings having been developed organically around it, and with a different entrance arrangement. Proposed features such as domestically proportioned wings and details, including doors, windows and openings, would also conflict with the barn-like elements of the design. This would be re-enforced by the lawn proposed around the dwelling.
12. Taken together, the design, footprint and siting of the proposal mean that it would not appear either as a converted barn or as a farmhouse. Instead, it would appear contrived in its design. As a result, other than in terms of its materials, it would have little clear relationship to its surroundings, and would harmfully contrast with the rural and agricultural character of the area.
13. A planning condition could be used to secure details of the surface materials. A new landscaped enclosure, with stone walling and hedge planting, would also help to ameliorate and screen the proposal, as would the current roadside hedging. Even so, such screening cannot be relied upon, particularly in winter months when foliage is reduced, and nor can its survival in the long term be guaranteed. In any case, the proposal's appearance would still be visible from the adjacent roads, particularly when viewed through the site entrance.
14. Furthermore, whilst filtered by existing trees, and notwithstanding the regressive effect of the slate roof, I saw that the roof and position of the proposal would be visible from higher public viewpoints within the AONB. Given the harm I refer to above, and its visibility both from the AONB, and within its foreground, the proposal would have a negative impact on the setting of the AONB and its natural beauty.
15. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area. As such it would be contrary to Policy NH5 of the WSLP, which requires development to be located and designed to minimise adverse impact on local landscape character.
16. The guidance in Policy DIPIP3 of the Quantock Hills Management Plan 2019 – 2024 has been referred to, but this relates to settlements within the AONB, and so does not directly apply to the proposal. However, for the reasons referred to above, the proposal would conflict with the

Framework, which in paragraph 176 states, amongst other things, that development within the setting of AONBs should be sensitively located and designed to avoid or minimise adverse impacts on the AONB.

Other Matters

17. Planning permission for conversion of the existing barn on the site to residential use has already been granted, under a Prior Approval¹. The appellants intend to complete this development, if planning permission is not forthcoming for the proposal. It is common ground that this represents a fallback position and as such carries significant weight in the planning balance.
18. The proposal would have a smaller floorspace and footprint than the fallback and would be constructed with external materials that reflect those used locally, especially when compared to those of the fallback which would be functional and mis-matched. Furthermore, both schemes would have windows on external elevations, giving a domestic appearance to either building.
19. However, the siting of the fallback building, being closer to existing site boundaries, together with its long, low and simple shape and profile, would retain the form of an agricultural building. This is in contrast to the higher and differing ridge and eaves heights of the proposal. As such, the fallback sits more naturally in the landscape, and would better reflect the agricultural character of the site and the surrounding area, to which I give significant weight.
20. The fallback would result in use of the area around the building for domestic purposes, some of which would be closer to and more visible from the highway. However, both proposals would be likely to result in domestic paraphernalia of a nature that could not be controlled, such as children's play equipment and garden furniture, being visible from the road. In addition, the position of the proposal, being set back into the site and with a greater extent of garden, means it would encroach further into the countryside, adding to its harmful domestic effect compared with the tight boundaries of the fallback.
21. The proposal would provide much greater screening, including new native hedgerow, but as I have already stated this cannot be relied upon to fully screen the effects of the proposal and so attracts only modest weight in its favour. Furthermore, notwithstanding lower site levels, the taller height of the proposal (by around a meter) and its position, would make it more visible than the fallback when viewed from adjacent roads and the AONB, resulting in greater harm in comparison.
22. The proposal would result in a more energy efficient dwelling, with some ecological benefits including bat and bird boxes and additional native hedge planting, resulting in a biodiversity net gain. The fallback does not include these benefits and so these measures carry modest weight in favour of the proposal. I have also taken into account the representations made in support of the proposal. However, these matters do not overcome the harm that it would cause.

23. Both parties have referred to WSLP Policy TR2 and whether occupiers would be reliant on the private car for services and facilities. However, given that both the proposal and the fallback would result in a single dwelling, and therefore a similar degree of reliance on the private car, this is not central to my reasoning.

Planning Balance and Conclusion

24. For the above reasons, I consider that the proposal would be more harmful than the fallback in respect of the character and appearance of the area. It does not therefore justify the conflict with the Development Plan, read as a whole that I have identified above. No material considerations have been shown to have sufficient weight to warrant a decision otherwise than in accordance with the Development Plan. I therefore conclude that the appeal should be dismissed.

O Marigold

INSPECTOR