

# 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



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## 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: 17<sup>th</sup> August 2020**

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### 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)'.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The original planning permission<sup>1</sup> 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.

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<sup>1</sup> 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



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## 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: 17<sup>th</sup> August 2020**

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### **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'.
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## 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 appeal<sup>1</sup> 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 appeal<sup>2</sup> and planning decisions<sup>3</sup> 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 permission<sup>4</sup> 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.

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<sup>1</sup> APP/D3315/W/17/3179264

<sup>2</sup> APP/D3315/W/19/3220853

<sup>3</sup> Council Ref: 28/18/0055 and 05/18/0057

<sup>4</sup> 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



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## 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: 18<sup>th</sup> August 2020**

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### 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.
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## 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



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## 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**

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### 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.
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### 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.