



---

## Appeal Decision

Site visit made on 20 August 2018

by **JP Roberts BSc(Hons) LLB(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28<sup>th</sup> August 2018

---

**Appeal Ref: APP/R3325/W/18/3201990**

**Land at 1 Main Street, Mudford, Yeovil, Somerset BA21 5TF**

- 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 Chris Churchill against the decision of South Somerset District Council.
  - The application Ref 18/00714/OUT, dated 19 February 2018, was refused by notice dated 17 April 2018.
  - The development proposed is the erection of a B1 building and extension of B1 premises.
- 

### Decision

1. The appeal is dismissed.

### Procedural matter

2. The application is made in outline with appearance, landscaping and layout reserved for subsequent approval.

### Main Issues

3. The main issues are:
  - i) the implications of the proposal for flood risk;
  - ii) the effect of the proposal on the character and appearance of the surrounding area and on the setting of the adjacent listed buildings at Quoins, Chapel Cottage, Castle Cottage and Swallow Cottage.
  - iii) whether satisfactory provision can be made for parking, and the effect on highway safety.

### Reasons

#### *Flood risk*

4. It is not disputed that the site lies within Flood Zone 3a, where there is a high probability of flooding from the nearby River Yeo. No Sequential Test has been undertaken to establish whether there are sites available at a lower risk of flooding, and no information has been provided to enable such a test to be applied. The appellant argues that the proposal is an extension to an existing B1 premises, and being under 250m<sup>2</sup>, is exempt from the need to be subject of the Sequential Test, as set out in footnote 51 of the Revised National Planning Policy Framework.

5. I cannot agree with this proposition. Firstly, whilst work was well under way at the time of my visit towards the conversion of the buildings, the B1 use has yet to be implemented, and therefore there is no B1 use carried out on the site. Secondly, the proposed building would be for a sizeable freestanding building, about 20m away from the buildings with B1 permission. Whilst it may be the intention to use the building in connection with the approved B1 use, it would lack sufficient physical attachment or proximity to be considered as an extension.
6. A Sequential Test is also not required for changes of use, but this proposal is unequivocally for the erection of a new building, and thus this exemption does not apply here. I therefore consider that a Sequential Test is required, and the failure to provide the necessary evidence conflicts with recent national policy and with Policy EQ1 of the South Somerset Local Plan (LP), which deals with climate change and sets out the requirement for the Sequential Test.
7. Notwithstanding this, the flood risk information assessment submitted by the appellant lacks the specificity to enable me to ensure that the proposal would be safe without increasing flood risk elsewhere. I have had regard to the approval of new dwellings on the site of the former Four Elms Garage. However, these were approved over a decade ago, under a different policy regime. In addition, it is clear that flood risk was of particular concern, and that additional information had to be provided to overcome the Environment Agency's objection about the inadequacy of the flood risk evidence provided. These factors distinguish that case from this.
8. I therefore conclude on the first main issue that the proposal would fail to minimise flood risk and would conflict with LP Policy EQ1.

*Character and appearance and the setting of listed buildings*

9. The proposal is in outline with scale, layout and appearance reserved for subsequent approval. The site forms a cleared and levelled area of bare earth, with small earth bunds on three sides, to the rear of a car park serving The Half Moon Public House, together with an access way which extends to the rear and side of a large building undergoing conversion to Class B1 business premises, connecting to Main Street in two places.
10. The application reserves appearance for subsequent approval. The application form refers to materials as being sheeting on a metal frame with a blockwork plinth. However these references are followed by a question mark, indicating to me that these are just indications of preferred materials. I cannot prejudge the acceptability of materials as this is not a matter before me, but utilitarian sheeting is not the only possible material, and, if justified, a finishing material more in keeping with the historic buildings nearby could be sought. I consider that a B1 building in this location would relate well to the existing B1 building underway, and subject to what I say below, would have a satisfactory relationship to other built development in the area. Accordingly I find no harm would result to the character and appearance of the wider area.
11. The site is separated from the rear garden of Swallow Cottage, a Grade II listed building, by a public footpath. The listed house is well screened from the appeal site by hedges and trees within its garden and by substantial conifers along the boundary between the site and the pub car park. I estimate that the rear of the house, which is likely to be the less important elevation, is some

- 25m or so away from the closest part of the site. Bearing in mind the previous use of the site for car sales, I consider that a single storey industrial building would have only a minor effect on the building's setting.
12. There are also a number of listed buildings on Main Street. Quoins Cottage and Chapel Cottage lie on the opposite side of the road to The Half Moon car park, and have views across it towards the site of the proposed building. Castle Cottage lies opposite Swallows Cottage and has only oblique views of part of the appeal site. I consider that the appeal site does not form part of the setting to these buildings. The view across the site did not form part of the design of the dwellings; they merely followed the street pattern, where most of the other dwellings, including nearby listed buildings face other buildings on the opposite side of the street. Neither is it a place from where the buildings can be appreciated; the conifers and parked cars in the car park block views.
  13. Accordingly, I find that the proposal would have only a minor effect on the setting of Swallow Cottage, and this amounts to less than substantial harm. Paragraph 196 of the revised National Planning Policy Framework says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
  14. There are two public benefits arising from the proposal; firstly there is the economic benefit arising from the construction, occupation and use of the B1 unit, providing employment opportunities for people in Mudford and the wider area. Secondly there is the removal of the car sales use, which has a poor visual impact. Even taking into account the great weight which is afforded to protecting the significance of heritage assets, I consider that these public benefits clearly outweigh the minor harm that would result.
  15. I therefore conclude on the second main issue that the proposal would not result in material harm to the character and appearance of the area or to the setting of nearby listed buildings, other than that of Swallow Cottage, where the minor harm that I have identified is outweighed by the public benefits that would accrue. I therefore find no material conflict with LP Policies EQ2 or EQ3, which deal with general development and the historic environment respectively.

#### *Parking*

16. The submitted plans show an indicative area for 6 parking spaces within the application site, and a further 22 spaces on land outside the site in the vicinity of the approved B1 unit. No detailed parking layout or turning space has been shown. I have not been provided with the approved parking layout for the B1 unit nearing completion, so I am unable to assess the differences between that scheme and this. As scale and access are not reserved matters, the access, parking and servicing arrangements can be realistically assessed at this stage.
17. It is imperative that the wider site should be able to provide sufficient parking and turning space (including that for larger vehicles), to avoid vehicles having to park off-site, or for the site to be serviced by vehicles stopping on the carriageway of Main Street. I am unable to ascertain the acceptability of a building of this size without such details being provided. I therefore find that insufficient information has been provided to ensure that the proposal would

not result in material harm to highway safety. The proposal would therefore conflict with LP Policies EQ2 and TA5, the latter dealing with the transport impact of new development. I have not been told what the appropriate parking standards are for a development of this type, and therefore I am unable to conclude whether there would be a conflict with LP Policy TA6 which deals with such standards.

### **Conclusion**

18. Although I have found that the proposal would be acceptable in respect of its effect on character and appearance and on the setting of nearby listed buildings, and taking into account the economic benefits of the scheme, the harm that I have found in respect of flood risk and highway safety is of greater weight. I therefore find that the proposal conflicts with the development plan as a whole, and for the reasons given above, the appeal should be dismissed.

*JP Roberts*

INSPECTOR