



Appeal Decision

Site visit made on 28 November 2017

by **Stephen Hawkins MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 08 December 2017

Appeal Ref: APP/R3325/W/17/3177572

The Stables, Old Road, Higher Odcombe, Yeovil BA22 8XA

- 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 B Spearing against the decision of South Somerset District Council.
 - The application Ref 17/0689/FUL, dated 10 April 2017, was refused by notice dated 23 May 2017.
 - The development proposed is conversion of workshop and store to residential dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of a workshop and store to a residential dwelling at The Stables, Old Road, Higher Odcombe, Yeovil BA22 8XA in accordance with the terms of the application, Ref 17/0689/FUL, dated 10 April 2017, subject to the conditions in the Schedule at the end of this Decision.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

3. The appeal site is centred on a building erected following the grant of planning permission in 2003, for use as stables and a tack room. The building is mainly constructed in modern materials and it has three large garage door openings in its principal elevation. The building is located adjacent to a rural road, in the corner of a paddock lying just beyond the built-up part of Lower Odcombe. It is in an area of countryside which together with nearby public space forms a relatively narrow gap of open land providing visual and physical separation between Lower Odcombe and Higher Odcombe. The site and the adjacent paddock play a small but significant part in maintaining the sense of separation between the two villages.
4. A previous scheme to convert the building to a dwelling was dismissed at appeal earlier in 2017¹. In that appeal, the Inspector nevertheless considered that the building had an industrial character; the insertion of windows and replacement of the garage doors with openings that were more domestic in

¹ Ref: APP/R3325/W/16/3160614.

nature would enhance the immediate setting and would have no direct effect on the sense of separation between the two villages.

5. The proposal would create a one bedroom dwelling contained within the existing building envelope. The elevational alterations to the building, including cladding the walls in natural local stone and timber, would be materially similar to the previous appeal. However, the substantial garage extension which largely led to that appeal being dismissed has been omitted from the current proposal. The dwelling would have a relatively modest curtilage and the majority of the paddock would remain open as it is outside of the site. Consequently, the appearance of the dwelling would not be at odds with its surroundings and there would be no significant encroachment of residential built form into the open areas of land separating the two villages. Therefore, in my view there is nothing to indicate that the visual harm identified in the previous appeal has not been overcome by this proposal.
6. I acknowledge that the proposal is likely to result in some extra pedestrian and vehicular activities, as well as additional lighting at night. When I visited, the site was more or less vacant. However, in the past it is likely that the site would have been attended at least twice a day by the appellant or members of his family to care for horses kept there. Other routine visits, such as deliveries of feed and hay, collection and disposal of dung and attendance by veterinary surgeons and farriers would also have taken place. Therefore, a not insignificant level of activity and disturbance would be associated with the subsisting equestrian use of the site. Given the modest size of the dwelling, it is likely to be occupied by a couple. Accordingly, any disturbance associated with extra activity at the site is likely to be limited and localised; it would not be substantially different from that which could arise from the subsisting equestrian use and it would not significantly erode the rural qualities of the locality.
7. As a result, I find that the proposal would not harmfully erode any of the existing landscape qualities of the open land separating the two villages and it would not cause unacceptable harm to the character and appearance of the area. Consequently, the proposal would accord with Policy EQ2 of the adopted South Somerset Local Plan 2006-2028 (LP), as it would promote local distinctiveness and preserve the character and the appearance of this part of the District. In the previous appeal, the Inspector regarded LP Policy EQ2 as being out-of-date in the absence of a demonstrable five-year housing land supply. However, the Supreme Court² has since confirmed that whether the presumption in favour of sustainable development at paragraph 14 of the National Planning Policy Framework (the Framework) is engaged depends not on how individual policies are defined, but whether the operation of Development Plan policies has resulted in a shortfall in a five-year supply of housing land. The proposal would also accord with LP Policy SD1, which provides for approving proposals which accord with LP policies without delay.
8. Because I have found that the proposal accords with the above policies, it is not necessary for me to consider what weight should be applied to the LP against paragraph 14 of the Framework. Moreover, the proposal would be consistent with the Framework, in particular the core planning principle of recognising the intrinsic character and beauty of the countryside and

² Suffolk Coastal District Council v Hopkins Homes Ltd & SSCLG and Richborough Estates Partnership & SSCLG v Cheshire East BC [2017] UKSC 37.

supporting thriving rural communities within it at paragraph 17, as well as the requirement to protect and enhance valued landscapes at paragraph 109.

Other matters

9. A number of additional concerns have been raised by Odcombe Parish Council and interested parties. The accessibility of the site, the effect of the proposal on the setting of the nearby Odcombe Conservation Area, a suggestion that the building does not comply with the approved plans and concern about repeated attempts to develop the site were all matters addressed in the previous appeal. I have not had anything drawn to my attention which would give me a reason to revisit the previous Inspector's findings in relation to those matters.
10. Due to the modest size of the dwelling, it is unlikely to generate appreciable extra traffic or significantly increase the noise and disturbance that would be experienced by nearby residents compared with the subsisting use. The dwelling would not create an unfortunate precedent for further development on adjacent land, as any future planning applications would have to be assessed on their individual planning merits. Whilst it has been suggested that the building is not redundant, this would not preclude the proposal from being consistent with national policy concerning the re-use of buildings in rural areas. Interested parties dispute whether the building is on previously developed land. However, this is not central to my decision. The Council did not object to the proposal in relation to any of the above matters and I have found no reasons to disagree with their conclusions.

Conditions

11. In addition to the standard commencement condition, I have imposed a condition specifying the approved plans in the interests of certainty. I have imposed a condition requiring the submission and approval of details of the external materials, in the interests of preserving the character and appearance of the area. For a similar reason and to ensure that the dwelling has a visually satisfactory setting, I have imposed conditions requiring the implementation of an approved scheme of landscaping, to include planting of native hedge species. I have also imposed a condition restricting the use of the adjacent timber stable to purposes incidental to the enjoyment of the dwelling, order to safeguard the living conditions of future occupiers.
12. Further, I have imposed a condition removing permitted development rights in respect of the alteration, extension or enlargement of the dwelling and erection of buildings within its curtilage. In doing so I am mindful of Planning Policy Guidance (PPG) advice that conditions which generally restrict the future use of permitted development rights should only be used exceptionally³. However, having regard to the potential harm to the character and appearance of the area that could arise from such development, partly identified in the previous appeal, such a condition would, exceptionally in this case, be reasonable and necessary. I have not imposed the condition suggested by an interested party concerning retaining the rest of the paddock in open use. The paddock is outside of the site. Consequently, any erection of buildings on the paddock or a material change of use would require planning permission and the suggested condition is unnecessary.

³ Paragraph: 017 Reference ID: 21a-017-20140306.

Conclusion

13. The proposal would accord with the Development Plan and it would be consistent with the Framework. Therefore, I conclude that the appeal should be allowed.

Stephen Hawkins

INSPECTOR

SCHEDULE OF 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: 1514/01B, 1514/02B, 1514/03A, 1514/04A, 1514/05B & 1514/06B (dated 6 April 2017).
- 3) No development above the existing level of the ground adjacent to the dwelling hereby approved shall take place until samples of all external facing materials have been submitted to and approved by the Local Planning Authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development above the existing level of the ground adjacent to the dwelling hereby approved shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, to include the planting of a new hedge of native species along the boundaries with the adjacent paddock. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The stable building identified on drawing no 1514/01B shall not be used other than for purposes incidental to the enjoyment of the dwelling hereby approved.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no enlargement, improvement or other alteration of the dwellinghouse, including any addition or alteration to its roof or any porch, and no erection of any buildings incidental to the enjoyment of the dwellinghouse within its curtilage.