

APPEAL DECISIONS – 26 MAY 2022

Site: Newton Farm, Newton Lane, Bicknoller, TA4 4EU

Proposal: Change of use of agricultural land to holiday use with creation of access track and 2 No. hardstanding areas to site 2 No. glamping units [showmans wagons]

Application number: 3/01/21/003

Reason for refusal: Dismissed

Original Decision: Appeal against Non-Determination with timeframe allowed



The Planning Inspectorate

Appeal Decision

Site visit made on 11 April 2022 by **John Wilde CEng MICE**

an Inspector appointed by the Secretary of State

Decision date: 20 April 2022

Appeal Ref: APP/W3330/W/21/3285152 Newton Farm, Newton Lane, Bicknoller, Somerset TA4 4EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs Rucklidge against Somerset West and Taunton Council.
 - The application Ref 3/01/21/003, is dated 23 April 2021.
 - The development proposed is a change of use of agricultural land to holiday use along with the creation of an access track and 2 No hardstanding areas to site 2 No glamping units (showman's wagons).
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appeal is against non-determination by the Council. However, the Council have produced a statement which makes clear that, contrary to a report by a planning officer, had they determined the application then they would have refused planning permission. Their statement indicates that this refusal would have been based on the unsustainable location of the proposal. From this I have elicited the main issue to be as follows.

Main Issue

- a) Whether or not the proposed development would accord with planning policy in respect of sustainable development.

Reasons

3. The appeal site is part of a field and lies to the north-west of Newton Farm. The appeal site and farm are approached from the A358 via a relatively long narrow lane. From the site there are extensive views of the countryside to the west. The proposal is for two showman's wagons to be placed on hardstanding areas with associated access track.
4. The site is not within a settlement boundary and therefore in planning terms is within the open countryside. Policy OC1 of the West Somerset Local Plan (LP) to 2032 deals with the issue of development outside of settlements. It makes clear that such development is generally not appropriate and that the policy is designed to protect the open countryside from damaging development whilst exceptionally allowing development which is beneficial to the health of the community and/or to the economy to take place. The policy lists five circumstances where development could be allowed.
5. These are: where the development is essential for a rural worker engaged in agriculture and other rural occupations; the conversion of existing buildings; to meet an identified need for affordable housing; where the proposed development can be classified as an affordable housing exceptions scheme adjacent to a settlement or; a new build to benefit existing employment activity already established in the area that could not be easily accommodated within or adjoining a nearby settlement identified in policy SC1.
6. The proposed showmen's wagons would not comply with the first four of these criteria. As regards the last criteria mentioned above, while I note that the applicants already provide some tourist accommodation, I have been given no significant information to indicate if or how the proposed development would benefit existing employment activity already established in the area. It follows that without such information, conflict with OC1 occurs.
7. Policy EC9 of the LP deals with tourism outside of settlements. This identifies that tourism development in such areas will only be supported where it can (a) be demonstrated that the proposed location is essential to the business and that it could not be located elsewhere, (b) would not adversely affect the vitality of the neighbouring settlements and (c) complements existing tourism service and facility provision in neighbouring settlements and surrounding area without generating new unsustainable transport patterns.
8. Taking each of the above criteria in turn, I have been provided with no significant evidence to demonstrate that the proposed development is essential to the business, although I accept that its location, being close to the applicants' property, would be logical. I also accept that the proposed development would be very unlikely to adversely affect the vitality of neighbouring settlements.
9. As regards transport patterns, the nearest bus stop is about half a mile away on the A358 and the nearest shop is the community shop in Bicknoller which is about a mile away on the other side of the A358. It seems reasonable to assume therefore that most journeys undertaken by holidaymakers staying in the proposed accommodation would utilise the private car, although I accept that this is not uncommon with tourist facilities in rural areas.

10. Nonetheless, given this scenario, and also the lack of evidence to show that the proposed development is essential to the business, some conflict with policy EC9 exists.
11. Policy TR2 of the LP has also been brought to my attention. This makes clear that development should be located and designed to maximise the attractiveness of modes of transport other than the private car, particularly where it (a) complements existing service and facility provision in the settlement and surrounding area without generating new unsustainable transport patterns and (b) does not generate significant additional traffic movements over minor roads.
12. The appeal site is accessed by via a minor road. However, this is a relatively short distance and the trip generation from two holiday units would be modest. Therefore it cannot be said that the proposed development would generate significant additional traffic movements over the minor road network. However, neither can it be said that it would be located and designed to maximise the attractiveness of modes of transport other than the private car. Conflict with policy TR2 would therefore occur.
13. My attention has also been drawn to policy EC1 of the LP which seeks to widen and strengthen the local economy. This indicates that new development for all types of employment generating activities will be encouraged. On the surface therefore, if the proposed development were to generate employment, support would be offered by this policy. However, I have been supplied with no evidence to show how much employment, if any, would be generated by the proposal.

Conclusion

14. I have found that, from the evidence before me, conflict would occur with policies OC1, EC9 and TR2. Whilst some support could be forthcoming by virtue of policy EC1, I have no evidence before me to definitively conclude that this would be the case. In the absence of material considerations to outweigh the conflict with the LP, I therefore conclude that the appeal should be dismissed.

John Wilde

INSPECTOR

Site: 18 HIGH STREET, WIVELISCOMBE, TAUNTON, TA4 2JX

Proposal: Erection of porch to the front of 18 High Street, Wiveliscombe (resubmission of 49/21/0050)

Application number: 49/21/0060

Reason for refusal: Dismissed

Original Decision: Chair Decision



The Planning Inspectorate

Appeal Decision

Site visit made on 11 April 2022 by **John Wilde CEng MICE**

an Inspector appointed by the Secretary of State

Decision date: 20 April 2022

Appeal Ref: APP/W3330/D/21/3288949

18 High Street, Wiveliscombe, Taunton, Somerset TA4 2JK

- 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 Salmine against the decision of Somerset West and Taunton Council.
 - The application Ref 49/21/0060, dated 15 October 2021, was refused by notice dated 8 December 2021.
 - The development proposed is a front porch.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:-

- a) Whether or not the proposed development would conserve or enhance the character or appearance of the Wiveliscombe Conservation Area.
- b) The effect of the proposed development on the setting of nearby listed buildings.

Reasons

Effect on the conservation area

3. The appeal building is an end of terrace rendered property situated at the southern end of the High Street. The front of the property abuts a narrow concrete/shingle strip which in turn is set directly behind the footway. The High Street lies within the Wiveliscombe Conservation Area (CA), and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
4. The proposed development would result in a gabled porch being built over the front door. This would have a slate roof which would be supported on a green oak frame set on cast concrete saddle stones.
5. Whilst the windows of the shop at No 14 do project slightly forward of the front elevation, none of the other properties on the west side of the street have a protruding porch. The result of this is a uniform and coherent appearance to the front elevations of the properties.
6. The proposed porch would be incongruous in terms of both its design and materials, green oak not being a material that features elsewhere in the High Street. This cannot be construed as either conserving or enhancing the conservation area, and therefore harm would occur to the significance of the CA. I consider that this harm would be less than substantial.
7. Paragraph 202 of the National Planning Policy Framework (the Framework) indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset then the harm should be weighed against the public benefits of the proposal. In this case there are no public benefits.
8. It follows that conflict would occur with policy CP8 of the Taunton Deane Core Strategy. This policy seeks to ensure, amongst other things, that the historic environment is conserved or enhanced and that development proposals that harm the interest of the historic environment are not permitted.
9. My attention has been drawn to two porches to properties on the east side of the street. One of these is set above stone steps and a stone plinth whilst the other is set back from the rear of the footway. Both however are constructed in materials and colours that complement the respective host properties. To my mind neither of these can be taken as a compelling precedent for allowing the present appeal.
10. I also note that appeal property previously had a porch. However, this would appear to have been a simple flat roof with supports more or less integral to the front elevation of the property, similar to several others in the High Street. Its previous existence does not therefore lead me to arrive at a different conclusion.

Setting of listed buildings

11. Two properties on the east side of the High Street are Grade II listed, these being Nos 15 and 17. I consider that any harm caused to the significance of the CA would also have a detrimental effect on the setting of these listed buildings, and this in itself would also cause conflict with policy CP8.

Conclusion

12. For the above reasons, and having taken into account all other matters raised, including the lack of objection from the parish council, I conclude that the appeal should be dismissed.

John Wilde

INSPECTOR