

Application Details	
Application Reference Number:	45/22/0010
Application Type:	Full Planning Permission
Earliest decision date:	27 October 2022
Expiry Date	31 October 2022
Extension of time	
Decision Level	Committee
Description:	Proposed Change of Use of Blue Ball Public House (Sui-generis) to Holiday Accommodation with Ancillary Bar (C3) and Community Use (F1 & F2) at Blue Ball Inn, Cockercombe Road, Bagborough (AMENDED DESCRIPTION)
Site Address:	BLUE BALL INN, COCKERCOMBE ROAD, BAGBOROUGH, TAUNTON, TA4 3HE
Parish:	45
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	No
AONB:	Quantock Hills
Case Officer:	Russell Williams
Agent:	
Applicant:	MR G FOWLER
Committee Date:	18 July 2023
Reason for reporting application to Committee	In accordance with the former SWT constitution and given the controversial and sensitive nature of the proposals.

1. Recommendation

1.1 That permission be REFUSED.

2. Executive Summary of key reasons for recommendation

Background

2.1 The application before Members was previously determined under Delegated Powers, with planning permission being granted on 19 December 2022 for the proposed change of use of The Blue Ball Inn from a public house to a holiday let with ancillary bar and community use. West Bagborough Parish Council had objected to

the application together with over 4 individuals. Accordingly; the application should have been referred to the planning committee for determination in accordance with the Council's constitution. Failure to follow the Council's scheme of delegation resulted in the Decision being unlawful and this was confirmed by the Court's following an application for Judicial Review. The original Decision Notice has now been quashed by Order of the Court, dated 9 May 2023 and the proposal has been considered afresh by officers.

2.2 Given this background and having regard to the controversial and sensitive nature of the proposals, the application being referred to Planning Committee for re-determination.

Reasons for recommendation

2.3 The proposed change of use of the Public House (Sui Generis) to a Holiday Let (C3) and community use (Use Class F1 and F2) would conflict with Core Strategy Policies CP2, CP5 and DM2 and Site Allocations and Development Management Plan Policy C4 together with guidance contained within the NPPF. The application would result in a reduction in employment opportunities and economic activity in the rural area and fails to adequately demonstrate that every reasonable effort has been made to secure a continued community use for the property, which if permission is granted, would revert to a holiday let with very occasional community use. As such the proposals would adversely impact upon the provision of community facilities in the area to the detriment of the local community and economy and conflict with local and national planning policy.

3. Planning Obligations and conditions and informatives

3.1 Conditions

None

3.2 Informatives (bullet point only)

3.2.1 Proactive Statement

3.3 Obligations

None

4. Proposed development, site and surroundings

4.1 Details of proposal

The planning application seeks permission for the Change of Use of Blue Ball Public House (Sui-generis) to Holiday Accommodation with Ancillary Bar (C3) and Community Use (F1 & F2) at Blue Ball Inn, Cockercombe Road, Bagborough.

The application only seeks planning permission for the change of use of the buildings identified within the existing planning unit and only limited information has been submitted demonstrating how the buildings within the site will function as holiday accommodation, the ancillary bar and community use.

4.2 Sites and surroundings

The site hosts existing buildings arranged in an ad hoc courtyard arrangement.

To the north of the site is an extensive area of car parking, associated with the existing use. The site is in the Quantock Hills Area of Outstanding Natural Beauty (AONB) but has no other statutory designation constraints.

The site (public house) is not registered as an asset of community value (ACV).

5. Planning (and enforcement) history

The site has no directly relevant planning history.

Reference	Description	Decision	Date
N/A			

6. Environmental Impact Assessment

N/A

7. Habitats Regulations Assessment

N/A - site is outside the catchment area for Phosphates.

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 05 September 2022

8.2 Date of revised consultation (if applicable):

8.3 Press Date:

8.4 Site Notice Date: 15 September 2022

8.5 **Statutory Consultees** the following were consulted:

Consultee	Comment	Officer Comment
WEST BAGBOROUGH PARISH COUNCIL	<p>The Parish Council objects to this proposal and supports the widespread objection amongst both close neighbours and other parishioners to this proposed change of use.</p> <p>Our comments here try to reflect the major concerns expressed by parishioners at a recent Parish Council meeting. The Blue Ball is an historic pub and has been for over 400 years. It would not be right to accept that it is no longer a viable concern without a detailed study of the financial management of the pub. Parishioners are asking why, when the pub has been successful for over 400 years, it has now failed completely over the past few years. Simply accepting the claims of the applicant is not right in their view. For example, there are claims, which the Parish council cannot verify, that the rent charged to tenants was in excess of £50k per annum. There have been long periods when the pub has been periodically shut with no information as to whether it would re-open.</p> <p>This inevitably led to a situation where people thought it was permanently closed and went elsewhere.</p>	<p>Concerns regarding 'viability' are considered as part of the sequential approach expected in Policy.</p> <p>Concerns regarding noise from use are material and considered within the report.</p>

Consultee	Comment	Officer Comment
	<p>There is significant concern that the type of facility proposed, aimed at large groups of up to 16, attracts a different clientele, holiday accommodation in particular.</p> <p>Experience elsewhere in the Parish of such groups shows that anti-social behaviour such as loud noise beyond midnight, fireworks and external lighting being used throughout the night are commonplace in such developments. In this location, which is currently very quiet and has no street lighting, it would be a huge invasion of the close neighbours' enjoyment of their properties. It is also a concern to those with animals and causes a significant amount of distress to livestock. As this area is within the AONB, close to national trust land and a horse riding business, this would have additional negative consequence. It is also worth noting that due to the local geography, situated as it is at the top of a deep valley any noise would be magnified thus increasing its intrusion.</p> <p>There is already a significant amount of large holiday accommodation across the Parish, which calls into question the need for further such developments</p>	
THE QUANTOCK HILLS AONB SERVICE	The AONB Service objects to this application. Although the physical landscape is not overly impacted by the proposal, the change in character from rural pub to holiday accommodation would have a high	The objection is noted. Matters relating to economic changes are considered in this report.

Consultee	Comment	Officer Comment
	<p>impact on the AONB.</p> <p>The character of the area is under threat from a development of this nature.</p> <p>The potential to generate high levels of noise, light and disturbance to tranquillity is significant and at odds with the AONB's primary purpose, to conserve and enhance the AONB's natural beauty, its special qualities and distinctive characteristics.</p> <p>The Quantock Hills AONB Management Plan 2019-2024 is clear with regard to new structures and the need to support businesses and the local economy as a whole but it is also clear that great care needs to be given to the design and siting of any new developments within or close to the AONB. The Plan is a material consideration for the LPA and states in Chapter 2.6 Development Planning and Infrastructure: "The impact on the AONB's special qualities by development in the setting of the Quantock Hills needs to be fully considered in the planning process in line with NPPF paragraph 172. (Now paragraph 176 of revised NPPF 2021). The setting of the Quantock Hills AONB is the area within which development and land management proposals, by virtue of their nature, size, materials or design can be considered to have an impact, positive or negative, on its natural beauty and special qualities. This</p>	<p>Matters relating to noise are considered in this report.</p> <p>The claim that a proliferation of holiday lets in the AONB is detrimental is noted.</p>

Consultee	Comment	Officer Comment
	<p>includes threats to tranquillity from light pollution, recreation and tourism pressures, traffic and noise.” The relevant policies to be considered in the Management Plan include: DPIP3 – Protect local distinctiveness in AONB settlements and Quantock lanes and roads. DPIP6 – Ensure development in the setting of the AONB does not harm the natural beauty, character and special qualities of the AONB or otherwise prejudice the delivery of AONB purposes. DPIP7 – Protect the dark skies and tranquillity of the AONB. The impact of artificial lighting on ‘Dark Skies’ which are recognised as important elements of tranquillity and contribute a sense of wildness and remoteness, has not been assessed. Nor has the potential for noise and disturbance been considered. Any application should identify, describe and evaluate any special qualities and distinctive characteristics within the AONB. Any impact which causes loss, damage or detriment to these qualities or characteristics must be considered in the determination by the Planning Authority.</p> <p>There is a point where the increase in this type of holiday accommodation within the Hills is in danger of causing harm to the very qualities that attract people in the first place, whether they come to live in the area or just visit.</p> <p>From the description, the type of accommodation being offered does</p>	

Consultee	Comment	Officer Comment
	not seem to attract those wishing to enjoy the tranquilly of the hills and this location seems inappropriate for such a venture. It is interesting to note in the Business Proposal that it states "...allowing for the property to act as an events venue and possibly in the future even back to a pub." Why would this be considered when the applicant has made it very clear that a pub is no longer viable?	
LANDSCAPE	No comments received	No objection is recorded
ECONOMIC DEVELOPMENT	No comments received	No objection is recorded
WESSEX WATER	No comments received	No objection is recorded
SCC - ECOLOGY	No comments received	No objection is recorded
SCC - TRANSPORT DEVELOPMENT GROUP	Standing Advice	Response is noted - no objection if the proposal accords with Standing Advice

8.6 **Internal Consultees** the following were consulted:

Consultee	Comment	Officer comment
N/A		

8.7 **Local representations**

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

14 letters have been received making the following comments (summarised)

Material Planning Considerations	
Objections	Officer Comment
Noise from Use	Noise levels from use are considered below and against what is currently in

	use at the site.
Economic Loss	Considered in this report
Loss of an amenity (asset) / visitor attraction	Considered in this report. It is noted the site is not registered as an ACV.
Loss of a community asset / function space	Considered in this report. It is noted the site is not registered as an ACV.
Support	Officer comment
N/A	

8.7.1 Summary of objections - non planning matters

- The PH has been run by people without experience;
- Refusal of owner to sell despite offers;
- Property is dilapidated;
- People need places to eat / drink;
- No need for community function space;
- Rents have been unrealistic

8.7.2 Summary of support - non planning matters

None

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the

new Somerset authority to prepare a local plan within 5 years of vesting day

Relevant policies of the development plan in the assessment of this application are listed below:

CP1 - Climate change,

CP2 - Economy,

CP5 - Inclusive communities,

DM2 - Development in the countryside,

SD1 - Presumption in favour of sustainable development,

A1 - Parking Requirements,

C4 - Protection of community facilities,

CP8 - Environment,

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022).

National Planning Policy Framework

10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

10.1.1 The principle of development

The Blue Ball at Triscombe is a commercial public house located within the Parish of West Bagborough, and is within the Quantock Hills AONB.

The application, as amended, seeks planning permission for the change of use of the existing public house and associated land and outbuildings within the red line area of the Site Plan, from a Public House to a holiday let with ancillary bar and community uses (Use Classes F1 and F2).

Within Paragraph 1.4.15 of the Site Allocations and Development Management Plan (SADMP) document the Council defines community facilities as buildings and spaces which are inclusive and provide for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of a community. It goes on to confirm that public houses are a community facility.

Having regard to the above, the application would, if approved, result in the loss of a

public house and its replacement with a permanent holiday let with a degree of community use. It is important to note that the community use, as submitted, would operate temporarily during the year and only if and when the holiday accommodation is not occupied or when an occasional booking is made for private events.

Core Strategy (CS) Policy CP5 establishes a framework for the Council's policies on protection of and provision of community facilities and services. CS Policy CP5 states that where viable, proposals will contribute towards "*the protection and enhancement of the supply of community facilities and local services.*"

The National Planning Policy Framework (NPPF) states that planning policies and decisions should deliver the social, recreational and cultural facilities and services that the community needs and guard against unnecessary loss of valued facilities. They should also ensure that established facilities and services, where it is economically viable, are retained, and able to develop for the benefit of the community.

To assist Officers in assessing proposals that would result in the loss of community facilities, the former Taunton Deane Borough Council adopted a Technical Note (TN) in February 2014 that provides approved guidance for assessing such proposals.

Paragraph 3.1 states that "*any proposal for the loss of a community service or facility must demonstrate that the current use is not viable through a viability assessment and agreed marketing strategy.*" Guidance on marketing strategies is set out in Section 5 of the TN

With the loss of a community facility being proposed, the principle of development falls to be considered against SADMP Policy C4. The policy seeks to ensure the protection of community facilities (which includes public houses in its definition). It states that the loss or change of use of existing community, cultural and social facilities will only be permitted where:

- A. Evidence is submitted to demonstrate that there is no longer a community need for the facility;*
- B. The facility is no longer financially viable;*
- C. It could not be put to another similar, community use; or*
- D. Replacement facilities are provided on site, or within the vicinity to meet the needs of the local population.*

The criteria have been assessed by Officers as follows:

A. Evidence is submitted to demonstrate that there is no longer a community need for the facility

No evidence has been submitted to adequately demonstrate there to be no ongoing community need for the facility.

No formal commercial marketing of the property appears to have been undertaken and a search online brings up no evidence of a marketing campaign seeking to sell, lease or rent the public house as a business entity.

It is stated that *“multiple options for both a new tenancy and the possibility of a freehold sale have been looked at. No possible applicants have wanted to take on The Blue Ball.”*

Whilst this may be the case, such a statement is not sufficient to demonstrate that there is no longer a community need for the facility. Indeed, objections indicate that there is an ongoing need for the facility and were a formal marketing campaign to be undertaken, it is entirely reasonable to believe an attractive rural property such as The Blue Ball could find a buyer or new tenant.

Criteria A is not satisfied as the applicant has failed to evidence that every reasonable endeavour has been made to find tenants or buyers and that the property is no longer needed as a community facility.

B. The facility is no longer financially viable

The application is supported by anecdotal evidence within the supporting Business Proposal that since 2008 and until its more recent closure, there have been 7 tenants of the property. It is stated that “the majority of tenants have not made a success of the pub and have left with financial difficulties.” Unfortunately this statement is not supported by any detailed evidence such as financial accounting.

Notwithstanding, no commercial viability appraisal has been submitted and it has not been demonstrated beyond all reasonable doubt that The Blue Ball could not operate as a financially viable business given the correct tenants/owners with a well-researched business plan.

Anecdotal evidence is no sufficient to demonstrate conformity with criteria B, which is not satisfied.

C. It could not be put to another similar, community use

As with criteria A above, no evidence has been submitted to demonstrate that the property could not be put to an alternative community use. Whilst it is noted that the proposals include a small degree of “community use”, the primary use of the property would be as a holiday let and the community use, allowing private parties for personal

or corporate events, would be limited to the low season when the holiday let is in lower demand and have very limited community benefit.

The application provides no detail on how the buildings and wider site could be used for community purposes and the provision of private and corporate events falls short of what can be considered a genuine community facility.

No evidence has been submitted to demonstrate whether or not the property could provide for health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of a community. This could extend to contacting local groups, the Parish Council etc. In the absence of adequate evidence, the proposals conflict with criteria C.

D. Replacement facilities are provided on site, or within the vicinity to meet the needs of the local population.

The application does not provide for replacement public house facilities on the site and there are no other comparable facilities in the area that could serve the needs of the rural community.

It is noted that the application includes the provision of an ancillary bar, but that appears that the bar is intended to be ancillary to the holiday let business and for use by holiday makers, not the public.

The proposal would lead to the loss of the public house with inadequate alternative provision being made. The proposals therefore conflict with criteria D.

In addition to the above, Core Strategy Policy DM2 (7.b) sets out the Council's approach towards the change of use of the buildings in the open countryside.

This policy states, in sub-section 7(b) that for a change of use to be acceptable a sequential approach must be followed for the conversion of existing buildings. The policy sets out a sequential approach to identifying whether a site is suitable for being used as one of the preferred uses, being

- i. Community uses;
- ii. Class B business uses;
- iii. Other employment generating uses;
- iv. Holiday and tourism;
- v. Affordable, farm or forestry dwellings;
- vi. Community housing;
- vii. In exceptional circumstances, conversion to other residential use.

Subsections v to vii are not applicable for consideration in this instance.

It is well established that in assessing a proposal for the change of use of a rural building against the hierarchy laid in DM2 (7.b), it is necessary for a property to be marketed for a minimum period of 12 months. As noted above, this has not taken place and instead the Council have been provided with anecdotal statements over the historic failure of the pub as a business. An assessment of the proposals against Policy DM2 has been provided but again, it is anecdotal evidence based upon simple assumptions and not hard commercial evidence. Such is not sufficient as to demonstrate conformity or otherwise with Policy DM2 (7.b).

Importantly, the proposed development seeks permission to change the use of the public house to a holiday let with ancillary community use. Whilst community uses are the first preferred use in the hierarchy, the principle use of the site would be as a holiday let and based upon the submitted statements, the community use would be infrequent and limited to the low season for the holiday let. This community use therefore carries a very limited amount of weight in assessing the principle of the development. Furthermore, insufficient evidence has been submitted to demonstrate whether the site is suitable or viable for Class B Business Uses or other employment generating uses.

The proposals would result in the loss of a public house which is an important community facility and in the absence of appropriate marketing, accounting and other forms of commercially reliable evidence, the proposed change of use will conflict with CS Policies CP5 and DM2(7.b), SADMP Policy C4 and Paragraph 84 (d) of the NPPF.

10.1.2 Design of the proposal

The planning application proposes no physical changes to the buildings. Therefore design is not a consideration in this instance.

10.1.3 Quality of Accommodation

The planning application only seeks permission for a change of use and no detailed plans relating to the provision of holiday accommodation, the ancillary bar or community facility have been submitted. As such this is not a consideration in this instance.

10.1.4 Access, Highway Safety and Parking Provision

Access to the site and level of parking will remain unaltered by the proposal. The parking area to the north west of the buildings is within the control of the applicant and is approximately 725 sq.m in area; its size is suitable for approximately 35

vehicle parking spaces.

In this instance the proposed change of use would not result in any adverse impacts upon of highways safety in the area and suitable access and parking provision will remain available to users.

10.1.5 The impact on the character and appearance of the locality

The change of use from a Public House to a holiday let with ancillary community use has received a number of objections, citing the change in character of the site, though the appearance of the buildings itself would not change as a result of this application.

The AONB Unit have stated in their objection that:

"the change in character from rural pub to holiday accommodation would have a high impact on the AONB.

The character of the area is under threat from a development of this nature.

The potential to generate high levels of noise, light and disturbance to tranquilly is significant and at odds with the AONB's primary purpose, to conserve and enhance the AONB's natural beauty, its special qualities and distinctive characteristics."

They have also stated that, in their opinion, the change of use would be contrary to Policies DPIP3; DPIP6 and DPIP7 of the Quantock Hills AONB Management Plan 2019 - 2024. In this instance the government states, in published guidance, that "You (the LPA) can use AONB management plans to help ... make decisions on development proposals."

The Policies in the Management Plan are material to consideration. For aiding consideration, the identified policies read:

DPIP3: Protect local distinctiveness in AONB settlements and Quantock lanes and roads.

DPIP6: Ensure development in the setting of the AONB does not harm the natural beauty, character and special qualities of the AONB or otherwise prejudice the delivery of AONB purposes.

DPIP7: Protect the dark skies and tranquillity of the AONB.

In relation to character, as the physical appearance of the buildings are not proposed to change, and with no change to lanes (roads), it is considered the proposal accords with Policy DPIP3.

With regards to Policy DPIP6, the Management Plan suggests in section 1.1 that 'special qualities' are those "special qualities [that] emerge from the land and the interaction of humans with it. Identified qualities include not only the flora, fauna, geological and physiographical features but also historic and cultural associations along with our sensory perceptions of the area such as views and tranquillity."

In relation to 'character', the Management Plan does not offer a clear definition. However, the character is defined by the special qualities that exist, which in this case are considered to be historic association of the site as a public house, its use and the tranquillity of its setting.

In this case, the scheme seeks to change the use of a building to a holiday let with plans for future expansion, and ancillary community use. mixed use, including full retention of the buildings as they are, as well as greater use of the site for holiday lets, but with the retention of the public bar facility and availability of use for events.

In this regard, the historic association is considered to be one that is retained (in that the buildings and their appearance will remain, providing that historic link (association) as expected by policy).

For consideration, and that also needs to be acknowledged, is that the sites' current lawful use is that of a public house (licensed premises), together with associated accommodation. Although the wider AONB is characterised by tranquillity, it must also be accepted that as a Public House that has the ability to provide associated entertainment, this in itself could result in noise at various times of the day (from visitors, music etc.), with unlimited numbers of people at the venue.

The proposed change to holiday lets, and community use (F1 - Class F1 is use for learning and non-residential institutions; F1 (a) Provision of education; F1 (b) Display of works of art other than for sale or hire; F1 (c) Museums; F1 (d) Public libraries or reading rooms; F1 (e) Public halls or exhibition halls; F1 (f) Public worship or religious instruction; F1 (g) Law courts. F2 - Class F2 is for local community use; F2 (a) Shops (mostly) selling essential goods, including food, where the shops premises do not exceed 280 square metres and there is no other such facility within 1000 metres; F2 (b) Halls or meeting places for the principal use of the local community; F2 (c) Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms); F2 (d) Indoor or outdoor swimming pools or skating rinks), could through licensing bodies control numbers, which at present is not possible.

In terms of perceived impacts on tranquillity (noise) as cited by the Parish Council, AONB Unit and objectors, the change proposed when considered against the sites' fall back position as a pub is not considered one that would result in loss of

tranquillity over or above that which could be experienced from the sites' use now. Knowing the above, the character and special qualities of the AONB would at a minimum be maintained (preserved).

In addition to the above, and in relation to Policy DPIP7, with no external changes proposed, light emissions from the site as currently experienced would not be amplified or exacerbated.

In light of the above it is not considered the change of use would result in an unacceptable impact on character or appearance of the area when considered as a whole.

10.1.6 The impact on neighbouring residential amenity

A number of objections have cited impacts that could arise from the sites use (noise; anti-social behaviour).

In this instance, knowing the sites existing lawful use as a Public House, the change to holiday lets and community uses as identified (Classes F1 and F2) is considered one that would have no greater impact on neighbouring residential amenity to that which could currently be experienced.

Furthermore, controls and powers to address and stop noise (that arises from anti-social behaviour) are available to the relevant authorities via the Anti-social Behaviour, Crime and Policing Act 2014. It is not the role of the planning authority to duplicate existing controls.

10.1.7 The impact on trees and landscaping

The proposed change of use details no physical changes. As a result there would be no impact on trees or ecology.

10.1.8 The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site.

With no physical changes proposed there would impact on ecology or biodiversity.

In this instance, as the site is outside of the phosphate catchment area, there would be no effect on the Somerset Levels and Moors RAMSAR site.

10.1.9 Waste/Recycling facilities

This is not applicable in this instance as the application seeks planning permission

for the change of use only.

10.1.10 Flood risk and energy efficiency

With no physical change proposed the scheme would have no effect on flood risk or energy efficiency.

10.2 Economic Effects

A number of objections have suggested the change of use would be detrimental to the economy of the area.

Policy CP2 of the Development Plan says that proposals which lead to the loss of existing or identified business will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site.

The benefits of providing a use within the buildings that would keep them in active occupation, as well as providing employment opportunities for marketing, cleaning and management are noted, however the level of employment associated with running a holiday let business and occasional "community" events is limited and will fall well short of the employment and economic activity associated with a well run public house, particularly if food is offered as is the case with rural establishments such as The Blue Ball.

It is therefore considered that the proposals will result in a loss of employment and economic activity, to the detriment of the local rural economy. Such conflicts with CS Policy CP2 and Paragraph 84 of the NPPF.

10.3 Heritage impact

The site is not listed and is not within a conservation area. As such, the proposed change of use would have no effect on heritage assets.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Creation of holiday accommodation is CIL liable regardless of size.

This proposed development measures approximately 402 sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £50,250.00. With index linking this increases to approximately £71,000.00.

12 Planning balance and conclusion

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "*clear reason for refusing the development proposed*" or where the benefits of the proposed development are "*significantly and demonstrably*" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

12.2 For the reasons set out above, the development fails to comply with CS Policies CP2, CP5 and DM2(7.b), SADMP Policy C4 and guidance within the NPPF at paragraph 84. The development would result in the loss of a community facility which are already poorly provided in the area. The justification for the proposed change of use is inadequate and fails to evidence a lack of viability for the public house business along with a failure to appropriately market the property in order to establish whether a buyer or new tenant can be found for the business or whether other employment generating uses of community uses may exist. The harm associated with the loss of the community facility and conflict with development plan policies carries significant weight and when regard is had to the limited benefit of creating a holiday let and the occasional use of the site for community purposes, the harm associated to the proposals significantly and demonstrably outweighs the limited benefit. Having regard to all the matters raised, it is therefore recommended that planning permission is refused.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Reason/s for refusal

- 1 The local planning authority does not consider that sufficient evidence has been provided as to demonstrate that there is no reasonable likelihood of the property being found a new owner or tenant so as to prevent the loss of the community facility through conversion to an alternative re-use. Furthermore, the proposal will result in the loss of the only remaining community facility within the area of Triscombe, resulting in the loss of a rural business and source of local employment opportunities. Such is contrary to Policies CP2,

CP5 and DM2 (7.b) of the Taunton Deane Core Strategy, Policy C4 of the Site Allocations and Development Management Plan and Paragraph 84 of the National Planning Policy Framework, which recognise the importance of maintaining and providing local community facilities within rural areas in order to sustain the viability of communities and the local economy and tackle social exclusion.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council works in a positive and creative way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.