

APPEAL DECISIONS**PLANNING COMMITTEE WEST****TUESDAY 19 SEPTEMBER 2023****Application No:** 42/21/0059**Address:** LAND AT SWEETHAY, TRULL, TAUNTON, TA3 7PB**Description:** Change of use of land from agricultural for the siting of 10 No. bell tents and the erection of a service building with car parking and landscaping on land at Sweethay, Trull**Application Decision:** Chair Decision**Appeal Decision:** Dismissed

Appeal Decision

Site visit made on 28 June 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2023

Appeal Ref: APP/W3330/W/22/3307369

Land at Sweethay, Trull, Taunton TA3 7PB

- 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 A Ormerod against Somerset Council.
 - The application Ref 42/21/0059, is dated 9 September 2021.
 - The development proposed is change of use of land for the siting of 10 bell tents and the erection of a service building along with car parking and landscaping.
-

Decision

1. The appeal is dismissed and planning permission for the change of use of land for the siting of 10 bell tents and the erection of a service building along with car parking and landscaping is refused.

Application for costs

2. An application for costs was made by Mr A Ormerod against Somerset Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The appeal was submitted against the failure of Somerset West and Taunton Council to give notice within the prescribed period of a decision on the planning application. Since the submission of the appeal, Somerset West and Taunton Council have merged with other Councils to form Somerset Council. As a result, I have referred to Somerset Council in the banner heading above.

Background and Main Issues

4. During the appeal the Council confirmed that they would have refused planning permission had they retained the power to determine the appeal. They have produced an officer report and decision notice that references two reasons for refusal and the policies of the development plan to which the Council considers there is conflict. The first reason relates to the proposed development resulting in tourism accommodation in an unsustainable and inaccessible location contrary to the development plan. The second, states that by reason of its scale, siting and design, the proposed development would cause unacceptable harm to the character of the rural landscape, rural nature of the area and converge the hamlets of Dipford and Sweethay. The appellant had an opportunity to respond to the Councils reasons in their final comments.
5. In light of the above, the main issues are:
 - the effect of the proposal on the character and appearance of the area; and,

- whether the appeal site is in an appropriate location for the proposal, having particular regard to development plan policies.

Reasons

Character and Appearance

6. The appeal site consists of unallocated greenfield land outside of settlement boundaries defined under Policy SP1 of the Taunton Deane Borough Council Adopted Core Strategy 2011-2028 (2012) (CS) and is therefore, treated as countryside for the purposes of Policies DM1 and CP6 of the CS and Policy SB1 of the Taunton Deane Adopted Site Allocations and Development Management Plan (2016) (DMP) and insofar as they relate to the character and appearance of the area.
7. The area around the appeal site is characterised by generally flat arable fields divided by hedgerows with few trees and with only sporadic groups of buildings. The appeal site is an open parcel of agricultural land forming part of a larger field. The site is visually and physically separated from any nearby agricultural buildings and is highly visible and prominent from a public footpath that runs across the field roughly to the east of the site. Although other views on approach to the site by road are generally screened by hedgerows and trees, the site is visible from the existing access serving the site.
8. The application was accompanied by a Landscape Statement prepared by Clark Landscape Design which I have taken into account. In that respect, I note that the site lies outside of any nationally designated site such as an AONB, outside of any conservation area and there are no trees protected by tree preservation order (TPO). Nonetheless, based on the totality of evidence before me and my observations I reach a different view to the conclusion of only minor visual impact. In that respect, whilst the proposed service building, which is 1.5 storeys taking account of storage space in the roof, would be finished with dark stained horizontal timber cladding and dark brown roof tiles, by reason of its design comprising several doors and windows, and isolated position detached from any other farm buildings, it would not have the appearance of an agricultural building. By reason of its size and height, separation and visual detachment from any buildings, the proposal would appear harsh, isolated and prominent in the landscape. Moreover, in light of the open arable nature of the area, the proposed car park and bell tents would also be unusual and detrimental built forms in a rural landscape devoid of such features. I, therefore, find that the proposed building, car park and bell tents would have an unacceptable impact upon the character and appearance of the area.
9. In reaching the above finding, I have taken into account that the use of the bell tents would be seasonal and could be removed during the winter months with storage in the service building. However, the proposal involves permanent built development in the form of the service building and proposed car parking which would remain. In that respect, I note that such development is typically common with caravan and camping sites, for example through hard-surfaced pitches and small parking areas that are retained all year round. However, such sites are generally well screened and not prominent within the landscape. I also recognise that the proposed service block, car park and tents would be screened from the road by existing hedgerows, but nonetheless some or all of these would be very prominent from the adjacent public footpath, from the proposed access and from within the site.

10. Additional planting to help screen the proposal would be capable of being secured by condition if the appeal were to be allowed and planning permission granted. However, even if this were capable of screening the service block and tents over time and at all times of the year, to my mind, the scale and type of such planting of itself would appear unnatural and incongruous in the predominantly open character of the existing landscape. As such the potential for additional planting in this case would not overcome the unacceptable impact of the development that I have previously identified.
11. I note the appellant's reference to a genuine and realistic fallback position in relation to a Certified Site Licence and permitted development rights. Even if these were applicable and utilised, I have limited evidence demonstrating that they would result in the provision of a permanent two-floor utility block and large hard surfaced car park. As a result, based on the evidence before me, I consider it reasonable that the visual impact from any realistic fallback position would be significantly reduced in comparison to the appeal proposal.
12. I have also taken into account that due to the small scale of the proposal, and by virtue of its location viewed in isolation from the buildings forming Sweethay and Dipford, the proposal would not result in any noticeable or harmful physical or visual convergence of these hamlets. However, the absence of concern in that particular respect does not justify the harm I have otherwise identified.
13. In light of all of the above, I conclude that the proposal would cause significant harm to the character and appearance of the area. It is therefore contrary to Policies DM1 and CP8 of the CS and Policy SB1 of the DMP. Amongst other things, these seek to protect unallocated greenfield land outside of settlement boundaries including protecting the open character of the area, seek development that is appropriate in terms of scale, siting and design, located where the development would not unacceptably harm the appearance and character of any affected landscape and is designed and sited to minimise landscape impacts. As a result, the proposal is also contrary to the National Planning Policy Framework (the Framework) that seeks to achieve well-designed places that are sympathetic to the surrounding built environment and landscape setting.

Location

14. As previously mentioned, the site does not fall within a settlement defined under policy SP1 of the CS and as such should be treated as countryside and assessed against the relevant criteria of CS policies CP1, CP8 and DM2 with respect to whether its location is suitable.
15. In that respect, CS Policy CP8 states that development outside of settlement boundaries will be permitted, amongst other criteria, where in accordance with local policies for development. CS Policy DM2 is one such local policy. This policy supports touring caravan and camping sites with good access to the main road network, where not in a flood plain or in an area at high risk of flooding. The site does not fall within a flood plain and is not at a high risk of flooding.
16. The appeal proposal comprises ten bell tents, and although proposed to be sited permanently between the 31st of March and 31st of October, as suggested in the appellant's response to the Council's suggested conditions, the site would nonetheless operate as a camping site with visitors arriving and sleeping and

living in the bell tents for short periods. As a result, the proposal falls to be considered under CS Policy DM2.

17. The site would benefit from direct vehicular access onto a road that has good links to the main road network via Dipford and Sweethay/Staplehay/Trull. Although the site is within the countryside, it is a relatively short distance from the services, facilities, and bus route, albeit with limited services, at Staplehay/Trull. The site would be accessible via the local public footpaths during months of operation when the weather is generally dryer and lighter, despite the possibility for them being overgrown at times. Although limited due to the scale of the proposal, there would be some benefits to the local community and businesses through potential increased spend from visitors and servicing of the site including cleaner, laundry and tradespeople, and additional trade for services and facilities within Trull.
18. With regard to the above, I note the Council's desire to locate tourist accommodation in and around sustainable settlements. However, in light of the short distance to Staplehay/Trull and close relationship to Taunton, attractive nature of the lanes for walkers and cyclists looking for a rural camping location, I find that the site is located close enough to sustainable settlements to adequately reduce the reliance on the car.
19. In reaching the above findings I have taken into account that Policy A5 of the DMP sets out criteria for accessibility of development including maximum accessible travel times and maximum acceptable walking distances for residential development and all major non-residential development. However, the development proposal does not fall within either of those specific categories referred to in Policy A5 and it is reasonable that the proposed tourism use would not require access to some of the services referred to such as employment and education. As such, Policy A5 is not determinative on this appeal.
20. Notwithstanding the above, CS Policy DM1 requires development to be in a sustainable location and that additional road traffic arising would not overload access roads or lead to road safety problems. To my mind the presence of a shop, garage, café and bus stop within a mile of the proposed development site would provide a suitable range of services and facilities to meet some of the essential day to day needs of visitors to the site. This situation would also potentially be further enhanced if the allocated mixed-use site at Comeytrove/Trull is developed in the future. Having regard to all of those matters, I consider the site to be a suitable location for the use proposed when taking into account that a tourism use for holiday makers as supported by CS Policy DM2 will inevitably and reasonably result in some private car use to visit more distant places of interest, notwithstanding a suitable range of alternatives such as bus services, walking and cycling to nearby settlements.
21. Local residents have expressed concerns in terms of the speed of traffic near to the site, visibility at the junction and local highway conditions. In those respects, I note that there are no objections to the proposal from the local highway authority, subject to conditions including to secure appropriate visibility splays and limit the capacity of the development to a maximum of 24 overnight occupants. Based on the evidence before me and my own observations I have no reason to take a different view. I am satisfied that the extent of activity and comings and goings arising from the development

proposed and associated car parking arrangements for the proposed use would not have an unacceptable impact on local highway conditions or highway safety for vehicles, pedestrians and cyclists.

22. I am also satisfied that the small scale and nature of the proposal aimed at couples' glamping would not result in significant noise and disturbance arising from either the proposed use or associated deliveries. In that context, I find no planning justification to require permanent on-site management and an appropriately worded condition could be imposed to control the number of occupiers of the development to protect the living conditions of residents of nearby properties if the appeal were to be allowed. Furthermore, based on the evidence before me, suitable on-site drainage and refuse provision would be feasible with full details capable of also being secured by condition.
23. The proposal would result in the loss of the site from agricultural use. However, the site is comparatively small in size relative to the remaining agricultural fields from which it would be subdivided by planting from adjacent farming activities. I am, therefore, satisfied that the proposal would fall within the uses supported in principle in the countryside by Policy DM2 of the CS and would not constitute significant development of agricultural land, as such there would be no unacceptable impacts in those particular respects. In reaching that view, whether or not the appellant is a farmer with or without a business plan is not an influential factor given that the proposal must be considered on its planning merits. In that regard, I have also afforded little weight to the assertion that the site could be easily returned to agricultural use in the future given that the proposal is for a change of use of the land with associated development. Any application for a camping license to other bodies fall outside of my remit and have no bearing on the planning merits of this appeal.
24. In terms of the broader objectives of CS Policies CP1 and CP6 in terms of climate change and seeking that development proposals result in a sustainable environment, based on the reasoning above, I find that the proposed development in the countryside consists of a use that is supported in principle in such a location. Furthermore, for the reasons previously stated it would be sufficiently close to a range of local services and facilities which would limit the reliance upon travel by private car for users of the development. In addition, the proposal also would adequately address climate change through other means such as provision of electric charging points and utilisation of rainwater harvesting (including hedgerow planting).
25. In conclusion in relation to this main issue, the appeal site is in an appropriate location for the proposal, having particular regard to development plan policies. As a result, the proposal would not conflict with the relevant Policies DM2, SD1, CP1 and CP6 of the CS in that regard. Amongst other things, these support touring and camping sites with good access to the main road network, support development that reduces the need to travel and result in a sustainable environment. In this regard the proposal also complies with the Framework in terms of enabling sustainable rural tourism. There is no specific conflict with Policy SB1 of the DMP in locational terms within this particular context, albeit I have otherwise found harm and conflict with it with respect to impact on the landscape relative to the first main issue.

Other Matters

26. I have taken into account the economic benefit from the proposal along with the benefits put forward by the appellant with regard to the fallback position in relation to it possibly generating a greater number of people, with potential for less impact upon phosphates and noise, the creation of part-time employment opportunities to clean and maintain the site and welcome guests, increased number of pitches and vehicle movements and the lack of improvements to the landscape and access. However, these benefits are limited by the scale of the proposal and do not outweigh my findings above in relation to the significant harmful effect on the character and appearance of the area arising from the proposal before me.
27. I have considered the positive pre-application response by the council, but this is non-binding and I have determined the appeal on its merits.
28. The site falls within the catchment for the Somerset Levels and Moors Ramsar Site and Phosphate Catchment Area. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter or the related duties under the Conservation of Habitats and Species Regulations 2017 further.
29. I have taken into account the numerous other planning and appeal decisions put forward, including those by the appellant¹, but these are generally for slightly different camping proposals, are in different locations, and I have considered the proposal on its merits.
30. Given the nature of the proposal and arable nature of the site at present, there is limited evidence of any harm to wildlife or ecology, but this is neutral in my consideration.

Conclusion

31. In conclusion, the appeal proposal would have a significantly harmful effect on the character and appearance of the area. In my view, that is the prevailing consideration. Although I have found that the location of the proposal complies with some LP and DMP Policies, the proposal should be regarded as being in conflict with the development plan, when read as a whole. There are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, the appeal is dismissed.

C Rose

INSPECTOR

¹ APP/D3315/W/17/3179264 and APP/H0738/W/21/3278158