

Planning East – Appeal Decisions

Please see below list of appeal decisions made by the Planning Inspectorate between 21st March 2024 and 24th April 2024.

Full details of all appeals, can be found on the Council's website

<https://publicaccess.mendip.gov.uk/online-applications/>

Application Reference	2023/0516/ADV
Site Address	Land On The South Side Of Station Approach, Frome
Applicant/Organisation	Wildstone Estates Limited
Application Type	Advertisement Consent
Proposal	Erection of 1 No.48 Sheet Externally Illuminated Paper and Paste Advertising Display
Decision	Refusal (Planning Committee)
Appeal Decision	Appeal Allowed
Appeal Decision Date	22.03.2024



Appeal Decision

Site visit made on 16 February 2024

by **A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 March 2024

Appeal Ref: APP/E3335/Z/23/3332669

Land on the South Side of Station Approach Frome BA15 2NG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of Somerset Council.
 - The application Ref 2023/0516/ADV, dated 16 March 2023 was refused by notice dated 26 September 2023.
 - The advertisement proposed is Erection of 1 No.48 Sheet Externally Illuminated Paper and Paste Advertising Display, measuring 6.0m wide x 3.0m high and 1.9m from ground level to base.
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Decision

1. The appeal is allowed and express consent is granted for the 48 Sheet Externally Illuminated Paper and Paste Advertising Display as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition:-
 - 1) The display hereby approved shall not be illuminated between the hours of 23:00 and 06:00

Application for costs

2. An application for costs was made by Wildstone Estates Limited against Somerset Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the development upon (a) amenity and (b) highway safety.

Preliminary Matter

4. This appeal arises following a decision by the appellant to substitute their intended installation of a similar sized internally illuminate digital advertising display (ref. 2022/2286/ADV January 2023 (The 2023 consent) with an externally-lit 'paper and paste' installation of similar size in the same location. This change arose from local representations to which the appellant acceded, however, a more-than-theoretical prospect exists as to the prospect of the 2023 consent being implemented and I have addressed the appeal accordingly.

Reasons

Impact on amenity

5. The proposed display would be mounted on what was, at the time of my visit, a steep bank covered in grass and brush on the southern side of the access to Frome Railway Station. Station Approach serves a number of commercial premises which sit high above Portway/Wall Bridge (A362). The appeal site is therefore separated from and not within the setting of the Grade II Listed Frome Station. On the northern side of the A362 there is a small group of listed buildings and listed boundary walls, however despite their proximity, due to the alignment of the road and intervening vegetation, the appeal site does not fall within the setting of these designated heritage assets. However, the edge of the A362 defines the extent of the Frome Conservation Area (CA) which is also a designated heritage asset.
6. At present although Station Approach does present a backdrop of commercial activity including building-specific signage, to users of the A362, the application site is only populated by small scale functional signage related to the Railway Station. The proposed display would infill the space between these signs and a large tree which sits opposite the junction where Wallbridge Avenue emerges onto the A362. The display would therefore be prominent for users of Wallbridge Avenue emerging from other parts of the CA and to users of the A362 where this lies within the CA.
7. Having regard to the duty expressed in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I note that the appeal site (and therefore the proposed display) abuts the CA and lies within 'Character Area 3' according to the LPA's 2008 appraisal. This notes detractors or negative features as including obtrusive traffic signage and other traffic management measures that relate to the high levels of traffic along the east-west route which includes the A362. Although not falling within the CA, the proposed sign would be on the periphery of the junction with station approach and would therefore widen the area within which signage is directed at users of the highway and, being within the setting of the CA, add to this negative aspect of its character.
8. However, as the appellant's submission makes clear, what is before me was submitted following local representations pursuant to approval by the Local Planning Authority at the time¹ of a similarly-sized but digital display² in the appeal location which, the appellant confirms³, would be implemented should this appeal be dismissed. The circumstances of this matter clearly present a more-than-theoretical prospect of implementation of a digital version of the appealed proposal. In which regard there would be, due to its dynamic nature, a risk of harm to amenity which would be, in my view, significantly greater than that which would arise from the refused proposal. Bearing in mind the circumstances surrounding the case I consider this 'fallback' argument to carry significant weight in favour of the proposal before me.

Highway safety

9. For the same reasons, even if it were considered that the proposal represents a risk to highway safety, it cannot reasonably be argued that such harm, if it

¹ Which was Mendip District Council

² ref. 2022/2286/ADV January 2023

³ Appellant grounds of appeal at 6.1

were to exist, would be greater than that of the approved display and on that basis it is not necessary to consider this main issue further.

10. I therefore conclude, for the reasons given and taking all matters raised into account that the appeal succeeds subject to the usual conditions together with, having regard to the restriction on illumination set out in the 'fallback' decision, a similar provision in this matter.

Andrew Boughton

INSPECTOR

Application Reference	2023/0561/FUL
Site Address	Henleaze Farm, Holt Lane, Whitham Friary, Frome
Applicant/Organisation	M Chanri
Application Type	Full Planning Permission
Proposal	1no. temporary timber-built cabin with associated access, parking and landscaping for tourist accommodation.
Decision	Refusal (Chair)
Appeal Decision	Appeal Dismissed
Appeal Decision Date	22.04.2024



Appeal Decision

Site visit made on 9 April 2024

by **Lewis Condé BSc, MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2024

Appeal Ref: APP/E3335/W/23/3331877

Henleaze Farm, Holt Lane, Witham Friary, Frome, Somerset BA11 5HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Madhvi Chanri against the decision of Mendip District Council.
 - The application Ref is 2023/0561/FUL.
 - The development proposed is described as the provision of 1 temporary timber-built cabin with associated access, parking and landscaping for the purposes of tourist accommodation, designed in response to available guidance.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Mendip District Council has now merged with other Councils in Somerset to form Somerset Council. However, the development plan for the area formally covered by the District Council remains in place until such time as it is revoked or replaced. I have determined the appeal on this basis.
3. The description of development in the banner heading above is taken directly from the original planning application form.

Main Issues

4. The main issues are:
 - Whether the proposed development would be in a suitable location having regard to the development plan's spatial strategy and national policies; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Location

5. The appeal site forms part of an existing farm in a rural location, outside of any recognised development boundary within the adopted development plan. It is therefore in the open countryside for planning policy purposes.
6. The spatial strategy for the District for the period 2006 – 2029 is set out within Core Policy 1 of the Mendip District Local Plan Part 1: Strategy and Policies (adopted 2014) (the LPP1). Amongst other aspects, it establishes a hierarchy for development, with the majority of development to be directed towards the five principal settlements within the District, with more limited development opportunities promoted in secondary villages and other villages and hamlets.

The policy sets out that development in the open countryside will be strictly controlled but may be exceptionally permitted in line with the provisions of Core Policy 4.

7. Core Policy 3 of the LPP1 supports economic development, including in rural areas, subject to various criteria. This includes that development proposals should limit the growth in demand for private transport and are accessible by sustainable transport modes.
8. Meanwhile, Core Policy 4 of the LPP1 indicates that rural communities will be sustained, by amongst other aspects, supporting proposals for the development of the rural economy as set out in Core Policy 3. Again, this is subject to other requirements, including that diversification of a business is in a manner and scale appropriate to its location and constraints.
9. Together the above policies therefore provide support for development of the rural economy, including proposals for farm diversification. Nonetheless, it remains that development proposals should be located where there are choices in the mode of transport available, as well as ensuring new developments are suitably located to facilities. These LPP1 policies are reflective of the National Planning Policy Framework (the Framework) objectives to guide development to sustainable locations.
10. On my site visit, I observed that the nearest village of Whitham Friary, is located approximately 0.5 miles from the appeal site. The village contains a public house that visitors to the proposed development may utilise. Whilst the village also contains a Post Office, this is subject to extremely limited operating hours. Additionally, it was evident that other facilities or services in the village and the surrounding area were highly limited. It is recognised that future visitors would only be residing in the cabin on a temporary basis, but they would still likely seek access to a wider range of services and facilities, for example shops for provisions and visitor attractions. Therefore, it is likely that visitors to the site would need to travel further afield to accommodate wider needs or activities.
11. Furthermore, even those limited facilities available within Whitham Friary are not particularly accessible to the site, other than by private motor vehicle. This is due to the distances involved, while the surrounding road network within the immediate vicinity of the site consists mainly of narrow, unlit country roads that lack separate pavements. As such, the character of the surrounding road network would not promote pedestrian or cyclist usage. Similarly, although there is a public right of way within the vicinity of the appeal site, the route is largely exposed, involves crossing agricultural fields with varying conditions under foot, and again is unlit.
12. The absence of pavements and lighting may not deter all persons from walking or cycling to facilities in the wider area. Nevertheless, I consider it would still be a hinderance that would deter most occupants of the proposal, especially during adverse weather or periods of darkness.
13. The provision of cycle storage, electric bike charging facilities, and communications on the public footpath network as part of the appeal proposal is commendable. However, given the above context, I am not convinced that this would lead to a significant number of future occupiers of the development utilising sustainable means of travel to and from the site.

14. The nearest bus stop has been identified as being in Upton Noble approximately 1.8 miles from the site. No specific details of the timetable have been provided, as such it is unclear as to the regularity of the bus service. In any case, it is located a considerable walking/cycling distance from the appeal site mainly along country lanes or public rights of way as described above. Therefore, the use of buses is unlikely to be a realistic choice for visitors to the appeal scheme. Likewise, the distance to the train station in Frome is also unlikely to make it an attractive option for wider travel to and from the site.
15. In reaching the above views, I note that the appellant may be willing to offer a shuttle service for any future guests to and/from the wider transport network (i.e. train stations/bus stops). However, I am not convinced that such a service would have significant uptake given the likely lack of convenience this would entail to both guests and the appellant. Moreover, such an arrangement cannot be suitably secured or guaranteed. Similarly, the provision of food hampers, or the option to purchase farm produce at the site, would not necessarily significantly reduce the travel requirements of future guests.
16. Consequently, future visitors are likely to be heavily reliant on the use of private vehicles to access all but a very limited range of services and facilities. This would be the least sustainable travel option.
17. The potential for alternative means of transport in rural areas is often limited. However, in this case, I find the site's characteristics would not encourage future visitors to use alternative modes of transport or provide genuine, usable, or practical alternative modes. It is also recognised that the glamping proposal is an activity generally associated with the countryside whilst the proposal may enable guests with an interest to immerse themselves in a farm context. However, there is no substantive evidence before me to demonstrate that tourism of this nature requires the degree of seclusion that the appeal site would provide. As such, the type of tourism accommodation proposed does not justify its inaccessible form of development.
18. I acknowledge that regardless of the location of tourism accommodation, there is limited control as to whether guests will utilise private motor vehicles to make journeys. However, it remains that a site's context will be influential in encouraging the use of sustainable means of transport. In this instance, the appeal site's location and context is such that future users are likely to be highly dependent on the use of private motor vehicles.
19. Accordingly, the proposed development would be in an unsuitable location having regards to the spatial strategy set out in the development plan and national policy. Indeed, it conflicts with Core Policies CP1, CP3, CP4 of the LPP1. It also conflicts with Policy DP9 of the LPP1 which seek to maximise the use of sustainable forms of travel. Similarly, the proposal would not align with the approach in the Framework in respect of promoting walking, cycling and public transport where possible.
20. The Council's decision also refers to Core Policy 2 of the LPP1, however, given the proposal relates to tourism accommodation as opposed to the provision of new housing, I do not consider the policy to be of relevance.

Character and Appearance

21. The appeal site forms part of an existing working farm and is situated alongside several sizeable, modern agricultural buildings. The surrounding landscape is largely characterised by a rather flat or gently undulating landform of agricultural fields and small pockets of woodland. Field patterns are irregular and typically mid-size, frequently bound by mature hedgerows and trees. Sporadic built form also punctures the landscape.
22. The proposed cabin would have a limited height and overall scale, while its use of timber and corrugated metal sheeting would provide an agricultural vernacular fitting of its rural location. It would be clustered near existing agricultural buildings on the site and therefore rather discrete in nature.
23. Given the scale of the proposed development, there is unlikely to be any significant spread of domestic paraphernalia around the site. The proposal would utilise an existing vehicular access, while parking of vehicles would also be within an existing yard area, situated alongside the agricultural buildings.
24. Furthermore, the proposed location for the cabin is well screened from the main public vantage points to the south, through a combination of existing built form and vegetation. Parts of the appeal site command views from the immediate rural landscape. As such, it may be possible to see the proposed development from public vantage points in mid-distanced locations, but the Council has not identified any particularly sensitive viewpoints.
25. The appeal scheme also includes landscaping consisting of the planting of species rich grassland and the planting of trees and hedgerow along part of the site's field boundary. The proposed perimeter landscaping would likely further reduce the limited prominence of the proposed cabin. Adjacent fields are largely demarcated through post and wire fencing, however as noted, mature boundary hedging and trees are a common feature of the wider landscape. As such, I do not consider the landscaping proposals would appear overly formal or at odds with the surrounding landscape.
26. With regard to these matters and the limited scale of development proposed, I find that no harm to the character and appearance of the area would arise. Accordingly, there would not be a conflict with LPP1 Policies DP1, DP4 and DP7. These policies together, amongst other matters, seek to promote high-quality design that maintains local distinctiveness, takes account of its landscape attributes, and is of a scale, form, and layout appropriate to the local context. Likewise, I am satisfied that the proposal would conform with the design aims of the Framework.

Other Matters

27. The appellant has referred to previous planning permissions for tourism accommodation in rural areas that have been approved by the Council. However, I have very limited details of those permissions including their precise site contexts, and their relevant planning histories and therefore cannot draw appropriate comparisons to the appeal scheme.
28. Reference has also been made to the fact that holiday accommodation is already well established nearby at Holt Farm, which forms part of the wider landholding under the appellant's control. I understand that the planning permission (ref: 106060/006) for the holiday accommodation at Holt Farm was

secured around 2005. Again, I do not have the full context details of that permission. However, from the information provided, it appears to have involved the conversion of existing barns, whilst given the historic nature of the permission it would also likely have been determined under a different planning policy context.

29. As such, these other permissions raised by the appellant do not alter my decision, with the appeal scheme having been determined on its own merits.
30. The proposed development would provide socio-economic benefits to the local economy associated with the tourism use and visitor spending. However, given the scale of the proposal such benefits are likely to be limited and do not overcome my above concerns.
31. Whilst the proposal may help to diversify the farm's operations, there is no detailed evidence before me to suggest that the proposal is needed to ensure the continued viability of the farm. The appellant also indicates that the appeal scheme would have a more limited impacts than other methods of diversification or expansion of the farm operations. However, no specific details have been provided to satisfactorily verify this, while it is unclear whether planning permission is in place (or required) for the alternative options that are referred to by the appellant.
32. Both Policy DP5 of the LPP1 and the Framework seek for biodiversity enhancement measures to be incorporated into new development proposals. Accordingly, whilst the proposed development may result in habitat enhancement this does not weigh in favour of the appeal scheme.
33. I note that the Parish Council support the appeal proposal, but support for a development is not a suitable reason to allow unacceptable development.

Conclusion

34. The proposal conflicts with the development plan as a whole and there are no other considerations, including the Framework's provisions, which outweigh this finding. The appeal is therefore dismissed.

Lewis Condé

INSPECTOR