

Planning East – Appeal Decisions Report

Please see below list of appeal decisions made by the Planning Inspectorate between 20th December 2024 and 17th January 2025. Details of each appeal follow the list.

Full details of all appeals, can be found on the Council's website
<https://publicaccess.mendip.gov.uk/online-applications/>

Appeal 1

Application Reference	2023/2409/PAA
Site Address	Barn at Dark Lane, Upton Noble, Shepton Mallet
Applicant/Organisation	Mr & Mrs Riley
Application Type	Prior Approval
Proposal	Prior Approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3) and for associated operational development
Decision	Refusal (Delegated)
Appeal Decision	Appeal Allowed
Appeal Decision Date	09.11.2025

Appeal 2

Application Reference	2024/0497/PIP
Site Address	Land South of St Brelades & The Laurels, Oldford Hill, Oldford, Frome
Applicant/Organisation	Solution Property
Application Type	Permission in Principle
Proposal	Permission in Principle for the erection of 3no two storey dwellinghouses.
Decision	Refusal (Delegated)
Appeal Decision	Appeal Allowed
Appeal Decision Date	15.01.2025

Appeal 3

Application Reference	2023/2299/PAA
Site Address	Land at 377026 153330, Cherry Garden Lane, Laverton, Frome
Applicant/Organisation	Mr Alderman
Application Type	Prior Approval

Proposal	Convert an agricultural building to a dwelling.
Decision	Refusal (Delegated)
Appeal Decision	Appeal Dismissed
Appeal Decision Date	16.01.2025

Appeal 4

Application Reference	2023/2103/FUL
Site Address	Land at 4 The Mead, Rode, Frome
Applicant/Organisation	J & R Hill, Furlong Developments Ltd
Application Type	Full Planning Permission
Proposal	Erection of 2no. semi-detached houses.
Decision	Refusal (Delegated)
Appeal Decision	Appeal Dismissed
Appeal Decision Date	16.01.2025



Appeal Decision

Site visit made on 8 January 2025

by **E Pickernell BSc MSC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 January 2025

Appeal Ref: APP/E3335/W/24/3343560

The Barn, Near Wheelbrook House, Laverton, BA2 7RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr J Alderman against the decision of Somerset Council.
 - The application Ref is 2023/2299/PAA.
 - The development proposed is to convert an agricultural building to a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development provided on the Council's decision notice in the banner heading above as it describes the development more accurately than that used on the original application form.
3. The Town and Country Planning (General Permitted Development) England (Amendment) Order 2024 (GPDO) came into force on 21 May 2024. Transitional arrangements apply to applications submitted under the previous iteration of the Order. Therefore, the changes do not affect my consideration of this appeal. Consequently, I have not invited further comments from the parties. I have referred to paragraph and section references from the GPDO prior to these amendments.

Background and Main Issue

4. Class Q of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.
5. Under paragraph Q.1(a) of the GPDO, development is not permitted by Class Q if the site was not used solely for an agricultural use as part of an established agricultural unit:
 - (i) on 20 March 2013, or
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or
 - (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins.

6. The Council considers that it has not been able to determine from the evidence submitted that the site was used solely for an agricultural use as part of an established agricultural unit on 20 March 2013, as required by paragraph Q.1(a) of the GPDO.
7. The main issue is therefore whether the proposed development would constitute permitted development in respect of Class Q of Part 3 of Schedule 2 of the GPDO with particular regard to the use of the site.

Reasons

8. The appeal site includes an existing barn which is accessed via a track leading off Cherry Garden Lane. The appeal site is located within a holding which was registered with Defra and allocated a Holding Number and Flock Number in 2006. A copy of the Holding Registration Document has been provided. The holding comprises an irregular shaped parcel of land, primarily to the west of the building. However, the existence of a holding registration does not in itself demonstrate agricultural use.
9. For the purposes of Part 3, paragraph X of the GPDO states that “agricultural building” means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business; and “agricultural use” refers to such uses. Section 336 of the Town and Country Planning Act 1990 (as amended) states that “agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly.
10. The appellant has submitted evidence which seeks to demonstrate that the appeal site and building was in agricultural use on 20 March 2013. This includes a Statement of Truth from a joint owner of the land which explains that the land was purchased in 2003 and the building erected in 2004. The statement describes that thereafter sheep were acquired, and breeding of lambs commenced. From 2009 sheep belonging to others started to be taken in. It is stated that ‘in total there were 25 – 30 sheep present on site at any one time’. In 2020 the keeping of sheep ceased and since then the land has been let to a neighbour.
11. Additional evidence demonstrates that sheep have been present at the site at various dates throughout a period running from 2005 – 2020. None of the evidence provided specifically covers the date of 20 March 2013, however a movement document from 2011 shows that 17 sheep were moved onto the site and an invoice for shearing and hoof trimming for June 2014 demonstrates that at least 5 sheep were present at that time. On this basis the Council does not dispute that there were animals on the site on 20 March 2013. Although the evidence is not conclusive in terms of the total number of animals on the site at this time, I see no reason to come to a contrary view.
12. However, the GPDO makes it clear that in order to be considered as an agricultural building, for the purposes of Class Q, the appeal building must have been used for the purposes of a trade or business. Whilst reference has been made to breeding and taking in of sheep belonging to others, limited details of

these activities have been provided and it has not been shown that any goods or services were sold at that time. Although it is not in dispute that sheep were kept at the site, some of the evidence refers to the animals as 'pets' and it has not been demonstrated that the use of the building was ever more than a leisure or hobby use. Thus, it is not clear from the evidence provided whether any of the activities which took place at the site were related to any trade or business. I am therefore not satisfied that the building was used as an agricultural building, as defined in the GPDO.

13. Consequently, it has not been adequately demonstrated that the building is an agricultural building for the purposes of the GPDO or that the site was used solely for an agricultural use as part of an agricultural unit on 20 March 2013. The proposed development would therefore not comply with the provisions of Schedule 2, Part 3, Class Q of the GPDO.

Other Matters

14. I have been referred to several examples of barn conversions nearby. However, I am not aware of the specific circumstances of these cases and therefore cannot be certain that they are similar to the appeal scheme which I have determined on the basis of the evidence before me.

Conclusion

15. For the reasons given above, the appeal should be dismissed.

E Pickernell

INSPECTOR



Appeal Decision

Site visit made on 29 October 2024

by **Juliet Rogers BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 January 2025

Appeal Ref: APP/E3335/W/24/3344840

Barn at Dark Lane, Upton Noble, Shepton Mallet, Somerset BA4 6AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr and Mrs B Riley against the decision of Somerset Council.
 - The application Ref is 2023/2409/PAA.
 - The development proposed is the change of use of an agricultural building to a dwellinghouse (Use Class C3) and associated operational development.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of an agricultural building to a dwellinghouse (Use Class C3) and associated operational development at Barn at Dark Lane, Upton Noble, Shepton Mallet, Somerset BA4 6AT, in accordance with the terms of the application 2023/2409/PAA, including Drawing Nos MB/2101/0823-200_01, MB/2101/0823-200_03 and MB/2101/0823-200_04 submitted with it and subject to the following conditions:
 - 1) No development shall commence until details of the access off Dark Lane have been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the approved access has been constructed and shall thereafter be retained.
 - 2) No development shall commence until details of the foul and surface water drainage have been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the approved foul and surface water drainage scheme has been implemented and shall thereafter be retained and maintained.
 - 3) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscaping works shall be carried out in accordance with the approved details before the dwelling is first occupied. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.
 - 4) Demolition or construction works shall take place only between the following hours: 08:00-18:00 (Monday-Friday) and 08:00-14:00 (Saturday). No demolition or construction works shall take place at any time on Sundays or Bank or Public Holidays.

Preliminary Matters and Main Issues

2. Within the appeal documents, the appellant has submitted a Structural Inspection (SI) report¹. This was not before the Council when the application was determined. However, the Council have had the opportunity to comment on its contents. I am therefore satisfied that no party will be prejudiced by considering the report within my determination of this appeal.
3. Whilst changes to the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO) have recently come into effect², the prior approval application was submitted to the Council before this date. Therefore, transitional arrangements require me to determine this appeal in accordance with the provisions of Class Q in place at the time of submission.
4. Under Article 3(1) and Schedule 2, Part 3, Class Q(b) of the GPDO the change of use of a building and any land within its curtilage, from use as an agricultural building to a use falling within Class C3 (dwellinghouses) together with building operations reasonably necessary to convert that building is permitted, subject to several limitations and conditions.
5. Paragraph Q.2(1) sets out that the development is permitted under Class Q(b) subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required. The Council has refused the application in relation to the suitability of the appeal building for conversion and consequently its non-compliance with paragraph Q.1. However, the Council did not consider the proposal against paragraphs Q.2(1) and W nor conclude on the prior approval matters. Hence, the main issues are:
 - whether the proposed development falls within the permitted development rights under Schedule 2, Part 3, Class Q(b) of the GPDO; and
 - if so, whether prior approval would be required.

Reasons

Whether permitted development under Schedule 2, Part 3, Class Q(b)

6. The main parties agree that the appeal site, including the hay barn, was used solely for agriculture on 20 April 2013, as required by paragraph Q.1(i). I have no substantive reason to disagree. There is also no dispute that the appeal scheme complies with all other limitations and conditions set out in Q.1, except for Q.1(i). This states that building operations that are considered to be reasonably necessary for Class Q(b) include:
 - (i) the installation or replacement of the following, to the extent that would be reasonably necessary for the building to function as a dwellinghouse, (aa) windows, doors, roofs or exterior walls; or (bb) water, drainage, electricity, gas or other services; and
 - (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by Q.1(i)(i).
7. The 'Dutch Barn' building comprises a steel framed structure with a curved roof and three closed sides. The SI report states that the steelwork frames, posts,

¹ Ref: R240215/SI/00, prepared by Simon Bastone Associates Ltd, dated 3 May 2024

² 21 May 2024

purlins, eaves, beams and rails show no sign of any damage or significant corrosion. Externally the rear and one of the side walls of the barn comprise corrugated galvanised sheeting. Further sheeting is located above the stone wall which forms the other side wall. The curved roof consists of thick corrugated fibre cement sheeting in good condition. As concluded by the SI following a trial hole investigation, the concrete pad foundation to one of the steel columns is devoid of significant corrosion. I have no compelling reasons before me to disagree with the conclusions of the SI regarding the condition of the structure of the barn.

8. The loading calculations within the SI report, which have been prepared by a suitably qualified and experienced chartered structural engineer, are not disputed by the Council and no substantive evidence has been provided for me to doubt their accuracy. Instead, the Council concluded that the work required for the barn to enable conversion exceeds what is reasonably necessary for it to function as a dwelling.
9. In the case of the appeal barn, the existing structure and external materials will be retained, with the only external changes being the introduction of openings and the infilling of the currently open end of the barn. These are not significant alterations and are reasonably necessary for the building to function as a dwelling as per the provisions of Class. Q.1(i)(i). Replacement guttering and downpipes are also operations permissible under this provision. Unlike in the Hibbitt³ case, the operations proposed do not amount to complete or substantial rebuilding of the pre-existing structure.
10. Whilst the proposed development includes the lining of the walls with timber stud work and insulation, new dividing walls and an upper floor, these are internal works which are not restricted by the GPDO. Similarly, any cleaning and/or treatment of the steel frame would be a reasonably necessary operation.
11. Therefore, I conclude the proposed development falls within the permitted development rights under Schedule 2, Part 3, Class Q(b) of the GPDO.

Prior approval matters

12. The prior approval matters set out under Class Q(b) comprise considerations relating to transport and highways, noise, contamination, flooding, the practicality of the residential use, design and external appearance and daylight.
13. With respect to **transport and highway** matters, these relate to the direct impact of the development and not wider issues such as whether the location is accessible to a range of services and facilities.
14. The proposed development would be accessed via an existing gated gap between the stone boundary walls which are set back from the lane behind a verge. No other structures or landscape features are located within the site boundary on either side of the access. Therefore, despite the shallow depth of the verge and the modest height of the stone walls, I have no compelling evidence before me to suggest the required visibility splays cannot be accommodated and safe access from the site achieved.

³ *Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2)* [2016] EWHC 2853 (Admin)

15. Similarly, although Dark Lane is narrow and devoid of pavements and lighting, few dwellings are accessed from it before narrows further and takes the form of a muddy track. Despite the anecdotal evidence that the lane and track are well used for dog walking, the increase in vehicle movements from the proposed dwelling would be minimal and, therefore, unlikely to conflict with other users of the lane.
16. Interested parties have indicated that the bend of Church Street/Bull's Lane, where Dark Lane meets this main route through Upton Noble, is dangerous. However, no evidence has been provided to substantiate this assertion. During my site visit, I observed that the setback of Church Farmhouse with the low boundary wall to its front garden provides drivers with sufficient visibility along this main route to exit Dark Lane safely. When turning right into Dark Lane, the increased width of the carriageway on the bend allows drivers to position their vehicle to maximise visibility up Bull's Lane, despite the tall roadside hedgerows.
17. Given the barn's location adjacent to existing residential properties on the edge of Upton Noble, any **noise** from its residential use would not be dissimilar to its neighbours, despite the tranquillity of the surrounding countryside. However, in the interest of protecting the living conditions of neighbouring occupiers, the imposition of a condition which controls the hours of construction or demolition is reasonable.
18. As the historical use of the appeal site is agricultural, with the barn being used for hay storage, there is no compelling evidence before me to conclude that there is a risk of **contamination** on the site. Whilst it may be the case that the profiled fibre cement roof cladding may contain an element of asbestos, the Structural Appraisal⁴ and the SI confirm there are no signs of corrosion or water ingress to the roof covering which would necessitate its removal. It is not, therefore, necessary to impose any conditions requiring further investigation to make the proposed development acceptable in this regard.
19. **Flooding** - the appeal site is located within Flood Zone 1 and, aside from anecdotal comments from interested parties regarding previous flood events in Upton Noble, no substantive flooding issues have been presented to me. However, to ensure foul and surface water drainage is appropriately managed, a condition requiring submission and approval of these schemes is necessary.
20. The barn's location adjacent to existing residential uses and open countryside would not be harmful or objectionable to the extent that it is not sensible or reasonable for conversion. As such, the **practicality of the residential use** of the barn is acceptable.
21. My attention has been drawn to Prospect Farm and Church Farmhouse, two Grade II listed buildings located on the opposite side of Dark Lane from the appeal site. Given the prior approval matters include **design and appearance**, the Framework requires me to take into account the impact of the development on the setting of these listed buildings. These circumstances do not, however, result in the need for a Heritage Impact Assessment.
22. The special interest/significance of the listed buildings, insofar as they relate to the appeal scheme, are primarily derived from their age, quality of architectural features and materials, and their association with the agricultural use of their surrounds. Given the limited external alterations to the barn, it would retain its

⁴ Prepared by Acorus, dated November 2023

appearance as an agricultural structure and would be experienced as such within views of the listed buildings. The setting of the listed buildings would not, therefore, be harmed by the proposed development.

23. Glazed windows and doors are proposed for all habitable rooms, as shown on the proposed plans and elevations with sufficient areas of glazing to provide satisfactory levels of **daylight** to these rooms. Except for the 'snug' room on the ground floor, the openings are located on the northeast or southeast elevations, orientated away from the existing adjacent dwellings.
24. Taking the above considerations into account, I conclude that, subject to the imposition of suitably worded conditions, the proposed development should be granted prior approval.

Other Matters

25. Interested parties have indicated that bats, birds and/or owls may roost in the barn. However, the Council's position is that there are no protected species on the site and no other compelling evidence is before me which substantiates the representations from interested parties. The form and scale of the proposed development together with the size and location of the appeal site, does not trigger the need for an Environmental Impact Assessment to be prepared.
26. Elements of the proposed development, such as energy efficiency, heating provisions and lighting are not matters which require prior approval. Nor is the availability of affordable homes within the Upton Noble, even if many of the larger properties in the settlement are often empty.
27. My attention has been drawn to the previous planning application and subsequent unsuccessful appeal⁵ on the site. However, this involved more extensive work to the barn, including additional structural components necessary to support replacement roof sheeting. Furthermore, as an application for planning permission, rather than prior approval, this previous scheme was determined against the development plan. It is not, therefore, directly comparable to the appeal scheme.

Conditions

28. Given I have listed the submitted plans in my decision and Part W(12) of Schedule 2, Part 3 of the GPDO requires development to be carried out in accordance with the details submitted, the Council's suggested plans condition is unnecessary.
29. Part W(13) allows local planning authorities to grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. As set out above, it is necessary to impose a pre-commencement condition requiring details of the access arrangements in the interests of the safety of users of Dark Lane. To ensure foul and surface water drainage is adequately managed, a condition requiring the submission and approval of such schemes is necessary.
30. It is reasonable for me to impose a condition requiring hard and soft landscaping schemes to be submitted to and approved by the Council prior to the development commencing to ensure the site complements the character and appearance of the

⁵ Council Ref: 2016/0693/FUL and appeal ref: APP/Q3305/W/16/3154471

area. To protect the living conditions of neighbouring occupiers I have also imposed a condition restricting the hours when construction works are permitted.

Conclusion

31. For the reasons given above the appeal is allowed and prior approval is granted, subject to conditions.

Juliet Rogers

INSPECTOR



Appeal Decision

Site visit made on 29 November 2024

by **Alexander O'Doherty LLB (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 January 2025

Appeal Ref: APP/E3335/W/24/3344906

Land to the south of St Brelades and The Laurels, Oldford Hill, Oldford, Frome, Somerset

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
- The appeal is made by Solution Property against the decision of Somerset Council.
- The application Ref is 2024/0497/PIP.
- The development proposed is described on the application form as, "Permission in Principle – erection of a three dwellings".

Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 1 and a maximum of 3 dwellings at land to the south of St Brelades and The Laurels, Oldford Hill, Oldford, Frome, Somerset in accordance with the terms of the application, Ref 2024/0497/PIP.

Preliminary Matters

2. The proposal is for permission in principle. The consent route for which has 2 stages: the first stage (permission in principle) establishes whether a site is suitable in-principle and the second stage (technical details consent) is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages. The scope for the consideration of a scheme for permission in principle is limited to location, land use, and the amount of development. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
3. As the appeal relates to the principle of the proposed development, I have treated the Proposed Site Plan¹ as being indicative only.
4. The Planning Practice Guidance (PPG) advises that where permission in principle is granted following an application, the amount of residential development must be expressed as a range, indicating the minimum and maximum net number of dwellings which are, in principle, permitted². I have determined the appeal accordingly.
5. A revised National Planning Policy Framework (the Framework) was published in December 2024. The main parties were provided with an opportunity to comment, and I have taken the comments received into account. I have had regard to the revised Framework in my decision.

¹ Proposed Site Plan (drawing no. 1660-SK-500)

² Paragraph 58-052-20180615

Main Issues

6. The main issues are whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development, with particular regard to:
 - the spatial strategy in the development plan and the accessibility of services and facilities; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Location

7. The appeal site comprises a field located on the southern edge of Oldford in Somerset. The Council have characterised the site as being in the open countryside in planning policy terms, and this has not been disputed by the appellant. In such areas, Core Policy 1 of the Mendip District Local Plan 2006-2029 – Part 1: Strategy and Policies (adopted 2014) (Local Plan) provides that, amongst other things, development will be strictly controlled but may exceptionally be permitted in line with the provisions set out in Core Policy 4 of the Local Plan. The proposed development does not however fall within any of the development types listed in Core Policy 4. Consequently, the proposed development is in conflict with the spatial strategy in the development plan.
8. Services and facilities in Oldford are limited, comprising a restaurant and a nursery. Nevertheless, Oldford is within walking distance of Frome, which is identified in Core Policy 1 as a Principal Settlement. Regular bus services to Frome are also within walking distance of the site. Although the footway leading to the bus stops in Oldford is occasionally narrow, it is safe and useable. I observed that visibility at the entrance to the site on Oldford Hill is sufficient to enable Oldford Hill to be safely crossed to access the footway on the opposite side of the road.
9. As such, although the future occupiers of the proposed development would likely travel to Frome to meet many of their day-to-day needs, Frome can be reasonably and conveniently accessed by sustainable modes of transport, including walking and by bus. No conflict would arise with Policy DP9 of the Local Plan which provides that, amongst other things, where appropriate, development proposals must demonstrate how they will improve or maximise the use of sustainable forms of transport (particularly by means other than the private car). This does not however overcome the conflict with the spatial strategy identified above.
10. I therefore find that the site is not suitable for residential development, having regard to its location, the proposed land use, and the amount of development, with particular regard to the spatial strategy in the development plan. The proposed development would conflict with Core Policies 1 and 4 of the Local Plan which collectively set out the spatial strategy for sustaining rural communities in Mendip.

Character and appearance

11. The site lies adjacent to Oldford Hill and to the south of 2 detached dwellings known as St Brelades and The Laurels which form part of a cul-de-sac. An

agricultural barn (which benefits from an extant grant of prior approval for use as a dwelling) and Oldford Residential Park are also sited to the north of the site. Buildings and structures associated with Rockhouse Farm are present opposite the site on the other side of Oldford Hill.

12. As only a maximum of 3 dwellings are proposed on this modestly-sized site, the proposed development would result in a minor incursion into the open countryside. When seen from Oldford Hill, the proposed dwellings would be visually associated with the existing residential development to the north of the site.
13. At technical details consent stage, the Council could ensure that an appropriate layout, orientation, and boundary treatment for the proposed dwellings is secured, as well as appropriate soft landscaping measures across the site as a whole. This would ensure that the proposed development would visually represent the termination of residential development in Oldford, with a layout reflective of its context. The technical details consent stage would also give the Council the opportunity to ensure that views through the site to the open countryside are maximised.
14. Whilst the existing access to the site is in place, a layout could be devised at the technical details consent stage which would minimise the degree to which the proposed development would be separated from existing residential development on Oldford Hill, for example by siting some / all of the proposed dwellings close to the northern boundary of the site.
15. I therefore find that the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development, with particular regard to the effect of the proposed development on the character and appearance of the area. It would comply with Policy DP1 of the Local Plan which provides that, amongst other things, all development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness across the district, and with Policy DP4 of the Local Plan which provides that, amongst other things, proposals for development that would, individually or cumulatively, significantly degrade the quality of the local landscape will not be supported.

Other Matters

16. The appellant has referred to a planning permission at Overbrook, Windsbatch Lane, Oldford³. The indicative information referred to in the Council's Officer's Report for that application has not been provided. Also, the Officer's Report does not discuss matters of sustainable transport in any detail. For these reasons, based on the limited information before me, that permission does not lend support for the proposed development. It does not change my findings on the main issues above.
17. The housing mix of the proposed development, its layout in terms of the living conditions of the occupiers of nearby residential dwellings, and the provision of visibility splays at the proposed access in terms of highway safety, would all be considered at technical details consent stage. In this regard, there would be no planning permission unless and until technical details consent has been granted. These are not matters which change my findings on the main issues above.

³ 2020/2029/OTS

18. The finding on the 2nd main issue above, in relation to the character and appearance of the area, is a neutral matter, which does not weigh in favour of the proposed development.
19. The proposed development would not set a precedent, as any future planning applications would be considered by the Council on their own merits.

Other Considerations and Planning Balance

20. The proposed development would not accord with the spatial strategy in the development plan, resulting in conflict with Core Policies 1 and 4 of the Local Plan. No other Local Plan policies have been cited which might support the proposed development. It follows that the proposed development would conflict with the development plan when considered as a whole. However, taking account of the limited maximum quantum of development proposed and the adequate accessibility of the site by sustainable modes of transport, the adverse impacts of the proposed development arising from its conflict with the spatial strategy would not be significant. The conflict with Core Policies 1 and 4 of the Local Plan has therefore been given limited weight.
21. It is common ground between the main parties that the Council is currently unable to demonstrate the necessary forward supply of housing sites, as required by the Framework, with a housing land supply figure of approximately 3.24 years being quoted by the main parties. Hence, paragraph 11 d) ii. of the Framework is engaged.
22. The proposed development would provide a modest but valuable contribution towards housing land supply, in the context of the Council's notable shortfall. Moreover, the future occupiers of the proposed development would likely contribute towards the economic vitality of Frome, and the indicative details and the submitted Ecological Appraisal demonstrate that a 10% increase in linear habitat units on site is feasible.
23. The proposed development would accordingly contribute towards the Government's objective of significantly boosting the supply of homes. Given that the site would be appropriately sustainable in terms of its location, it would maximise sustainable transport solutions in accordance with paragraph 110 of the Framework, which is a key policy for the purposes of paragraph 11 d) ii. Additionally, the proposed development would ensure that sustainable transport modes are prioritised, in line with paragraph 115 of the Framework, which is also a key policy for the purposes of paragraph 11 d) ii.
24. Taking all of the above into account, the adverse impacts of granting permission in principle would be limited. These adverse impacts would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. The proposed development would benefit from the presumption in favour of sustainable development, which is a factor which weighs heavily in support of the proposed development.
25. Therefore, in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004 (as amended), as a matter of planning judgement I find that the other

considerations (which include the Framework's presumption in favour of sustainable development which the proposed development benefits from), indicate that the appeal should be determined otherwise than in accordance with the development plan.

Conditions

26. The PPG advises that it is not possible for conditions to be attached to a grant of permission in principle⁴.

Conclusion

27. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations (including the representations of all interested parties), I conclude that the appeal should be allowed.

Alexander O'Doherty

INSPECTOR

⁴ Paragraph 58-020-20180615



Appeal Decision

Site visit made on 12 December 2024

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2025

Appeal Ref: APP/E3335/W/24/3347836

4 The Mead, Rode, Frome, Somerset BA11 6PT

- 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 J & R Hill of Furlong Developments Ltd against the decision of Somerset Council.
 - The application Ref 2023/2103/FUL, dated 30 October 2023, was refused by notice dated 1 May 2024.
 - The development proposed is erection of 2 no. semi-detached houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published during the consideration of this appeal on 12 December 2024. The references in my decision to the paragraphs in the Framework relate to this new document.
3. For reasons of precision and clarity, I have taken the address of the site and the description of development from the Council's Decision Notice.

Main Issue

4. The main issue in this appeal is the effect of the proposed development upon the character and appearance of the area.

Reasons

5. The appeal site comprises the side garden area of an existing semi-detached dwelling, and forms part of a corner plot, which mirrors the layout of the dwelling on the opposite side of the road. This creates a spacious, open character at this location. This contrasts with the remainder of The Mead, where dwellings are set within more regular shaped plots, with less space between them. The appeal property, along with neighbouring dwellings are set back from the road and follow a distinct line. The position of the dwellings reinforces the spacious character of the area and gives this part of The Mead a regular and uniform pattern. The front boundary of the appeal site comprises a stone wall which also runs in front of the neighbouring properties and is punctuated by small gaps to allow for access to off-road spaces.
6. The proposed development would be located within the side garden area of the appeal property and comprise a pair of semi-detached, two storey dwellings.

They would be accessed from the front and would be similar in terms of their height and scale to those around them. They would however be positioned closer to the road than the host property, beyond the established building line. As a result, when viewed from along the street, the proposal would introduce a form of development that would fail to respect the context, layout and character of the surrounding area. Furthermore, when viewed along the street there would be less generous spacing between the host dwelling and the new dwellings. As such, this would result in a cramped appearance, indicative of overdevelopment. The proposal would therefore not be compatible with the surrounding spacious, open character and the regular, uniform pattern of development. As a result, it would fail to respond to the local character or reflect the identity of the surroundings.

7. Vehicular access and car parking for the proposed dwellings would be provided to the front. The provision of car parking to the front of properties is commonplace for surrounding dwellings and has been included in a number of recently completed developments nearby. I also note that the host property has a gravel driveway to the side. That said, the proposed development would result in the provision of a large area of off-street parking, which would result in the loss of a substantial proportion of the existing stone boundary wall to accommodate these parking spaces. Given the contribution the stonewall makes to the overall character and appearance of the area, I consider that, as a result of its loss and its replacement with an open paved parking area, the proposed development would fail to maintain and enhance the local identity and distinctiveness of the area.
8. Whilst the proposed finished materials may be different to those used on surrounding dwellings, I do consider them to be so harmful as to warrant withholding planning permission for this reason alone. In any event, had I found the development to be acceptable, then the matter could have been addressed via a planning condition.
9. For the above reasons, I therefore conclude that the proposed development would harm the character and appearance of the area and, in this respect, would be contrary to Policies DP1, DP7 and DP9 of the Mendip District Local Plan Part 1: Strategy and Policies and the National Planning Policy Framework (the Framework). These policies, amongst other things seek to ensure that new development contribute positively to the maintenance and enhancement of local identity and distinctiveness and that in terms of their scale, mass, form and layout, new developments are appropriate within their context.

Other Matters

10. The appellant submits that the Council are presently unable to demonstrate a 5-year supply of housing land and as a result, considers that the planning balance as set out in Paragraph 11 (d) should apply. No details have been provided by the Council to refute this, therefore I have dealt with the appeal on this basis. I therefore consider that the balance, as set out in Paragraph 11 (d) of the Framework applies in this case.
11. Paragraph 11 of the Framework states that where the most important policies are out of date, permission should be granted unless any adverse impacts of doing so, would significantly and demonstrably outweigh the benefits when assessed against the policies in The Framework taken as whole, or where specific policies in The Framework, indicate that development should be

- restricted. In this respect, I have found that the proposed development would not conflict with policies in the Framework that protect areas or assets of particular importance as set out in footnote 6 of the Framework.
12. The proposed development would contribute two dwellings towards the existing housing stock and is located within an accessible location, within the settlement boundary. Whilst this would be a benefit, given the very limited scale of the contribution, the adverse impacts the proposed development would have upon the character and appearance of the area, significantly and demonstrably outweigh this limited benefit.
 13. Furthermore, I note that the Council raise no other issues in relation to ecology, highways and impact on neighbouring occupiers, amongst other things. However, as these are requirements of policy and legislation, the absence of harm in respect of these matters are neutral factors that weigh neither for nor against the development.
 14. Drawing all this together, whilst the proposal would deliver benefits, principally in the form of two new homes, given the limited scale of the contribution, I find that the adverse impact of the proposed development upon the character and appearance of the area, significantly and demonstrably outweighs these benefits.

Conclusion

15. For the above reasons I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR