
Appeal Decision

Site visit made on 26 January 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 February 2017

Appeal Ref: APP/F0114/W/16/3161213

Mandalay Cottage, Timsbury Road, Farmborough, Bath BA2 0AB

- 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 & Mrs Bracey against the decision of Bath & North East Somerset Council.
 - The application Ref 16/01813/FUL, dated 13 April 2016, was refused by notice dated 29 June 2016.
 - The development proposed is conversion of gym/workshop outbuilding to single residential unit.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposal would be in a suitable location for a dwelling, having regard to the principles of sustainable development.

Reasons

3. Policy HG.10 of the Bath & North East Somerset Local Plan including minerals and waste policies (the Local Plan) sets out that outside of defined settlements new dwellings will not be permitted unless they are essential for agricultural or forestry workers. This is not entirely consistent with paragraph 55 of the National Planning Policy Framework (the Framework) which refers specifically to isolated homes in this context. However that paragraph also states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It goes on to say that for example, where there are groups of smaller settlements, development in one village may support services in a village nearby.
 4. The site could not be regarded as being in an isolated location, by virtue of its proximity to other, albeit fairly sporadically positioned, dwellings in the vicinity, in a rural location a short distance from the edge of the main settlement area of Farmborough. However, although it would be a fairly short walk into Farmborough, that village only has a small number of services and facilities including a public house and hall. In order to access those facilities and services to serve all of the day to day needs of prospective residents, such as the full range of shops, schools, leisure and health facilities, travel further afield to larger centres would be necessary. Such journeys, due to the distance involved, would likely involve heavy reliance on private motorised transport as opposed to more sustainable walking, cycling or public transport. Although I
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- note that there is a bus service that runs along Timsbury Road, I have no substantive evidence as to its regularity or destinations.
5. Furthermore, having regard to paragraph 55 of the Framework, I have not received any substantive evidence to demonstrate that the development of the proposed single dwelling in this location would be needed to enhance or maintain the vitality of rural communities in the vicinity.
 6. My attention is drawn by the appellant to paragraph 55's reference to a special circumstance relating to new isolated homes in the countryside, concerning the re-use of redundant or disused buildings. However, I have not received any substantive evidence to demonstrate that the building concerned is redundant or disused. In any case, the building is currently in good condition and not an obtrusive feature of the surrounding area. Its conversion to a dwelling would therefore not lead to an enhancement to the immediate setting, which is the second part of the criteria relating to that special circumstance in paragraph 55.
 7. I have also had regard to the appellant's reference to policy ET.9 of the Local Plan which sets out that the conversion of a building to a new use will be permitted subject to some exceptions. Reference is also made to another development permitted by the Council for a conversion of an outbuilding within the grounds of a dwelling in Charlcombe Lane with reference to policy ET.9 rather than HG.10. Whilst I do not have the full details of that case to enable a proper comparison, I note that the circumstances relating to it were different to the current case in terms of the area of land relating to the main dwelling and the degree of separation of the building concerned from that dwelling. I have in any case determined this appeal on its own merits.
 8. Furthermore in this respect, I have also had regard to the Council's reference to an appeal decision relating to a site in Englishcombe, Ref APP/F0114/W/16/3150878. My colleague highlighted that policy ET.9 relates to supporting the re-use and adaptation of rural buildings, as opposed to the conversion of a domestic garage and I have no basis upon which to disagree. Despite the appellant's reference to the modern nature of that garage affecting the Inspector's decision, I note that my colleague did not make such a point in his decision. This current proposal would also involve the conversion of a domestic outbuilding situated clearly within the grounds of the existing dwelling of Mandalay Cottage. It would therefore not involve a new use to which policy ET.9 specifically relates but instead, and notwithstanding the Charlcombe Lane decision, would be a new dwelling, albeit a conversion, to which policy HG.10 is clearly relevant.
 9. For the above reasons, the proposal would not be in a suitable location for a dwelling, having regard to the principles of sustainable development and as such would be contrary to both Policy HG.10 of the Local Plan and Paragraph 55 of the Framework.

Conclusion

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

Andrew Dawe INSPECTOR