

Appeal Decision

Site visit made on 14 March 2017

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 24 March 2017

Appeal Ref: APP/F0114/W/16/3165745

Old Colliery Tip, Woodborough Hill, Peasedown St John, Somerset BA2 8LN

- 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 Robert Young against the decision of Bath & North East Somerset Council.
 - The application Ref 16/01856/FUL, dated 15 April 2016, was refused by notice dated 21 June 2016.
 - The development proposed is the erection of a storage building.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a storage building at Old Colliery Tip, Woodborough Hill, Peasedown St John, Somerset BA2 8LN in accordance with the terms of the application, Ref 16/01856/FUL, dated 15 April 2016, subject to the following conditions:
 - 1) Within 3 months of the date of this decision the raised decking and balcony as shown on plan ref. 3638/022 and 023 shall be removed and the area surrounding the building shall be landscaped in accordance with details to be submitted to and approved in writing by the Local Planning Authority; and the glazed doors facing the road and balcony shall be replaced with a metal roller-shutter door. The development shall be carried out and retained in accordance with the approved details.
 - 2) No further windows or other openings shall be inserted into the building.
 - 3) Within 1 month of the date of this decision the applicant shall submit an operational statement that addresses the precise use of the building, hours of use and numbers and types of vehicle movements to include deliveries. The business located in the building shall thereafter follow the operational statement, once approved in writing by the Local Planning Authority.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 3638/021, 3638/025, & 3638/026.

Main Issue

2. The main issue is the effect of the storage building, which is already erected, on the character and local distinctiveness of the area, including on the landscape character of this part of the Radstock Conservation Area.
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Reasons

3. The appeal site lies on the southern edge of a piece of land comprising a detached outlier of Radstock Conservation Area. The Local Planning Authority (LPA) state that the area, which lies within the Upper Braysdown Special Character Area, was established due to its significance as an example of an industrial landscape of small scale mining co-existing in a rural community.
4. The landscape of the area around Radstock, including several areas of former pit heads and tips within the Conservation Area, has been heavily influenced by the exploitation of the former Somerset coalfield. The site is situated to the south of a former colliery pit head, now used as a Council depot, in a gap between two steep-sided slag heaps, now heavily wooded and which have blended into the landscape over time.
5. My understanding is that this gap was retained in order to transport coal on a railway line down to a former mainline in the valley to the south. I also understand that there were buildings associated with this situated on the site and I was able to see the base of one of these buildings during my visit. However, they were clearly removed some time ago when the mining operations ceased and so I attribute limited weight to them.
6. I acknowledge the LPA's point that the original permission for a smaller storage building¹ has lapsed and that the appeal building is considerably larger. However, the LPA granted permission in 2013 and the policies it refers to in its refusal reason were extant at that time. The issue is therefore whether the current building preserves or enhances the character or appearance of the Conservation Area in accordance with statute², and in particular whether its impact would be significantly greater than the building that was granted by the LPA in 2013.
7. The recently erected new building is clearly visible from Woodborough Hill and its roof from the group of residential buildings to the north, which also lies within the Conservation Area. But because of the steeply wooded slopes adjacent to the site it is not prominent in the wider landscape, albeit it is more noticeable than the previously permitted building would have been. As such I consider it preserves the character and appearance of the Radstock Conservation Area including the landscape character of the area. The visibility of the building due to its increase in width and height over and above the permitted building is insignificant within its landscape context.
8. The proposal would therefore comply with Policy BH.6 of the Bath and North East Somerset Local Plan (LP), which states that development within a Conservation Area will only be permitted where it preserves or enhances the character or appearance of the area, in terms of size, scale, form, massing, position, suitability of external materials, design and detailing. It would also accord with LP Policies NE.1 and D.2, which together require schemes to conserve or enhance the character and local distinctiveness of the landscape and maintain the character of the public realm.
9. In my view the proposal does not comply with LP Policy ET.5 because, although it is small scale it is also required to meet the Policy's other criteria. But it does not involve the re-use of an existing building; it is not a new building in

¹ 13/02698/FUL granted 20 August 2013

² S72(1) Planning (Listed Buildings and Conservation Areas) Act 1990

line with farm diversification; it is not a replacement of an existing building; and it does not involve the limited expansion of an existing premises (i.e. a building). Nonetheless, this Policy was extant when the Council granted permission for a storage building in 2013 and I consider that permission, albeit now expired, to weigh heavily in favour of allowing the appeal given that there is no harm to the Conservation Area.

Conditions

10. The building appears to have been built to and in particular fitted out internally to a very high specification but I can see no objection to this because it is and will continue to be used for storage purposes for the appellant's roofing business.
11. However, at present, its glazed doors facing the road fronting onto the timber decking surrounded by a glazed screen/balcony makes it look like a residential building, which is unjustified and inappropriate in this location. It is therefore important that these elements of the building are removed as specified by condition 1 within 3 months. It is also necessary to restrict any new openings which would give the building an even more residential appearance. In order not to inconvenience residential occupiers living at the end of Woodborough Hill and ensure highway safety it is also necessary to agree an operational statement regarding working/delivery hours and types/numbers of vehicle movements because Woodborough Hill is a single track road. I have slightly amended the wording of the LPA's suggested conditions to accommodate these precise requirements. An additional condition is also required listing the approved plans in order to provide certainty and to ensure the above alterations to the building are made.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed, subject to the above conditions.

Nick Fagan

INSPECTOR