



Appeal Decision

Site visit made on 14 June 2019

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 5 August 2019

Appeal Ref: APP/D0121/W/19/3224757

Land adjacent to Lower Laurel Farm, Summer Lane, Banwell, BS29 6LP

- 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 and Mrs P Goddard against the decision of North Somerset Council.
 - The application Ref 18/P/4417/FUL, dated 28 September 2018, was refused by notice dated 21 December 2018
 - The development proposed is erection of 2 No. holiday lets for disabled visitors with specialised needs.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 No. holiday lets for disabled visitors with specialised needs at land adjacent to Lower Laurel Farm, Summer Lane, Banwell, BS29 6LP in accordance with the terms of the application, Ref 18/P/4417/FUL, dated 26 September 2018, subject to the conditions appearing on the attached schedule.

Main Issue(s)

2. The main issues are:
 - whether the development would be appropriately located having regard to the policies of the development plan and other material considerations and
 - the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site is a small enclosed parcel of land located between Lower Laurel Farmhouse, the host building, ('farmhouse') and another building group lying to the south. Existing buildings on the site appeared to be in equestrian-related use and physically well associated with the farmhouse. The area is characterised by open fields in a generally flat landscape although the site is within a few hundred metres of the M5 motorway (to the west) and an anomalously large residential caravan park some 400 metres to the south, also accessed off Summer Lane. It is not disputed that the rural, pastoral, character of the landscape has been significantly eroded by development in the locality of the site. The Council wish to preserve, where possible, what remains of that character in terms of field parcels and hedgerows.

Location

4. Policy DM57 of the North Somerset Sites and Policies Plan – Part 1 (2016) (NSPP) permits the construction of new buildings for use as holiday accommodation subject to a number of criteria, the most relevant here being that it should be 'set within the curtilage of an existing building and be close to that building' in order to prevent sprawl of development into the countryside.
5. I found the appeal site in use by the occupiers of the farmhouse and thereby functionally associated within a single unit of occupation. The appeal site and its stable/store buildings are also physically close to, and accessed from, the farmhouse. Overall, the evidence before me suggests that the necessary degree of association exists to consider the appeal site as forming part of the curtilage of the host property, alternative definition in the development plan absent. In the alternative, although the demolition of the existing stables/store is integral to the proposal, the appeal site is the curtilage of the existing stables/store.
6. Therefore, the proposal would accord with that aspect of DM57, and would not conflict with the underlying objective of the policy in this regard, which is to ensure development is located to prevent further erosion of the countryside.
7. In addition, the appellants makes a case of need for the type of provision proposed. Although the Disability Access Officer is quoted as saying that the location is 'outside of areas that would be of a specific benefit to disabled people' and the Council refer to the lack of 'specialist facilities' in the vicinity, to my mind this misses the point of the proposal. The Council also refer to the availability of other disability holiday accommodation in the area. However, the example provided (Council appendix 7) stipulates 'Beach Holidays', does not accommodate more than two people, provides 'wheelchair access' and, according to the appellant's analysis, little more than that in the way of specialist provision.
8. The appellants expressly identify a need for accommodation which will accommodate larger groups or families going on holiday with needs of some being well beyond those of merely limited mobility. Those holidays will inevitably access a wide range of attractions which will be of interest to the whole group not just 'areas that would be of a specific benefit to disabled people'. In these circumstances the holidays would inevitably be car-based regardless of their location.
9. From this I conclude that, as with many types of care, there is a range of requirement and therefore a range of need (for holidays) which cannot be met by every unit of provision. Given the professional standing of the applicant as an occupational therapist able to appreciate these issues, some weight can be attached to their case that there is need for this type of accommodation which is not currently met. The appellant states that there are no holiday lets with specific features they will provide (such as hoists) in North Somerset. Therefore, although there may be more suitable locations for the development as the Council suggest, that is not a consideration which, of itself, attracts weight.
10. I therefore conclude the appeal site is not an inappropriate location for the development proposed and accords with Policy DM57 of the NSPP which, amongst other things, permits new build holiday development within the

curtilage of an existing building. In addition, in terms of meeting an identified need for families or groups to holiday with persons who have specialist needs beyond limited mobility the proposal will deliver both social and economic benefits that weigh additionally in its favour.

Character and appearance

11. Lower Laurel Farm is a two-storey stone-built extended dwelling with (apart from garaging) no ancillary structures associated with it other than those which would be replaced with the development proposed.
12. The site is well enclosed with high hedging. The Council refer to the localised removal and replanting of the hedge as a result of the need to improve visibility at the point of access. This will reduce the present screening of the site and enlarge an existing hedgerow gap.
13. The design of the proposed holiday accommodation adopts a simple building form with low pitched roof, and makes use of materials found in vernacular buildings with interlocking clay roof tiles and a combination of stone and timber cladding for the walls. The proposed building would be significantly larger than the existing buildings on the site and its monolithic scale does not reflect the fragmented built form found in older rural buildings or cottages. These aspects of the proposal weigh against it. However, the resulting cluster of built form in terms of the amount of development and plot size would not be inconsistent with those found within a few hundred metres of the site at other points along Summer Lane. Irrespective of their current use and their more fragmented building forms, these clusters of built form within the wider landscape are characteristic of the immediate area as the proposed development would be. Importantly, the proposal would not intrude upon the open pastoral farmland and field pattern but sit within a small land parcel closely associated with the host building.
14. Taken in the round, the proposed development would introduce a large building where there are currently only incidental or ancillary structures having little impact on the landscape. The North Somerset Landscape Character Area Supplementary Planning Guidance 2018 (Landscape SPG) strategy is to conserve the peaceful rural nature of the landscape with intact pasture and field boundaries. However, it is not disputed that in the vicinity of the site the character of that landscape is already impaired by development and lacking in tranquillity found elsewhere. That which remains of rural pastoral character - the pattern of field boundaries, would not be reduced or changed as a result of the proposal as the site is well contained. The proposed building would be visible but not prominent in the wider landscape; in addition the materials proposed would assist with the visual integration of the development.
15. The Council have referred to an appeal decision at Brinsea. There are however, material contextual differences and the nature and justification for this proposal are materially different to those in the case referred to.
16. I therefore conclude that although there would be a degree of harm to the character and appearance of the area, that harm would be minor and therefore any conflict with Policies DM10, DM32 and DM57 of the NSPP and Policies CS5 and CS12 of the North Somerset Core Strategy (2017) which, amongst other things, seek high quality design; to preserve, and ensure development does

not have an unacceptably adverse impact upon, landscape character, would not attract significant weight.

Conclusion

17. I have concluded a minor degree of harm would be caused to the character and appearance of the locality but that the siting of the proposal would accord with Policy DM57 of the NSPP. In consideration of the development plan as a whole, and having regard to the specific nature of the proposal which would have both social and economic benefits that outweigh the harms identified, the appeal succeeds.

Conditions

18. The Council have proposed a number of conditions which I have adjusted in the interest of concision. Conditions are necessary to ensure the development is constructed to the plans and materials which have been considered in the determination of this appeal. It is also necessary to ensure the development provides specialist holiday accommodation and is not otherwise used or extended, as this would undermine the reasons for allowing the appeal. Details of landscaping, parking and access and to ensure the visibility splay is provided and kept free of obstruction are appropriate to ensure a satisfactory quality of development as are details of arrangements for waste disposal and drainage. A requirement for a scheme to reduce carbon emissions is appropriate having regard to the related policies of the development plan.

Andrew Boughton

INSPECTOR

Schedule of Conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 17/06 (plans and elevations proposed), 17/08 (site plan), 17/20A (street view).
- 3) The external walling and roofing materials used in the building works hereby permitted shall conform to the description appearing on drawing no: 17/06 unless otherwise approved in writing by the Local Planning Authority.
- 4) The development hereby approved shall not be occupied as a sole or main place of residence by any person.
- 5) The development hereby approved shall be used for the purpose of self-catering holidays and no other purpose including any short term residential leases or any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any provision equivalent to that Class in any Statutory Instrument amending, revoking and re-enacting that Order with or without modification. The owners/operators

of the site shall maintain an up-to-date register of occupiers of the holiday units including dates of occupation, names and addresses, which register shall be made available for inspection and copying by the Local Planning Authority at reasonable times.

- 6) The development hereby approved shall be constructed to meet or exceed the standards set out in Building Regulations 2010, M4 (2) 'Accessible and Adaptable Dwellings'.
- 7) The development hereby approved shall not be first occupied unless and until all of the following measures have been undertaken:
 - the access, parking area, driveway and turning area have been laid out in accordance with the approved plans.
 - a scheme for surface water drainage has been implemented in accordance with details that have previously been submitted to, and approved in writing by, the Local Planning Authority.
 - a scheme for the application of micro renewable or low-carbon technologies to reduce carbon emissions of the development hereby approved (by 10% or as otherwise agreed) has been installed in accordance with details previously submitted to, and approved in writing by, the Local Planning Authority.
 - a scheme for the storage and collection of waste has been implemented in accordance with details that have been previously submitted to, and approved in writing by, the Local Planning Authority,
 - a visibility splay conforming to that appearing on drawing no. 17/08 has been constructed.
 - a scheme of landscaping, including boundary treatments and hedge planting at the access, has been submitted and approved in writing by the Local Planning Authority.

The parking spaces shall be permanently retained for the use of the development, and the landscaping scheme shall be implemented in full between October and March of the year following first occupation. No hedge or other planting within the visibility splay shall exceed the height of 0.6m at any time the holiday accommodation is in use.

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order amending or revoking and re-enacting that Order, no extensions to the development hereby approved, or any garages or other outbuildings shall be erected unless first agreed in writing with the Local Planning Authority.