
Appeal Decisions

Site visit made on 12 August 2019

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2019

Appeal A Ref: APP/R3325/W/18/3202337

Furnham Inn, Furnham Road, Chard, Somerset, TA20 1AP.

- 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 Ken Mason against the decision of South Somerset District Council (the LPA).
 - The application Ref. 16/03606/FUL, dated 18 August 2016, was refused by notice dated 12 December 2017.
 - The development proposed is the conversion of redundant skittle alley and store into 3 no. dwelling units.
-

Appeal B Ref: APP/R3325/Y/18/3202444

Furnham Inn, Furnham Road, Chard, Somerset, TA20 1AP.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Ken Mason against the decision of South Somerset District Council (the LPA).
 - The application Ref. 16/03607/LBC, dated 18 August 2016, was refused by notice dated 12 December 2017.
 - The works proposed are the conversion of redundant skittle alley and store into 3 no. dwelling units.
-

Decisions

1. The appeals are dismissed.

Preliminary Matters

2. The skittle alley and store are attached to the grade II listed Furnham Inn. The LPA has informed me that the proposal would not adversely impact upon the historic fabric of the listed building. However, it is concerned that no satisfactory mechanism has been proposed to secure reinvestment of any profit from the proposed conversion into protecting the future of the listed building.
3. The LPA has not refuted the appellant's claim that it is unable to demonstrate five years housing land supply (HLS) within the district.

Main Issues

4. The three main issues are: firstly, whether the proposal would provide adequate living conditions for occupiers of the proposed dwellings, having particular regard to noise disturbance (appeal A); secondly, the likely effect upon highway safety along Victoria Avenue (appeal A) and; thirdly, whether the proposal would preserve the Furnham Inn or its setting or any features of special architectural or historic interest which it possesses (appeals A and B).
-

Reasons

Living Conditions (Appeal A only)

5. The development plan¹ and the National Planning Policy Framework (the Framework) include a requirement for new development to achieve a high standard of amenity for future users of land and buildings.
6. The proposed dwellings would be located immediately adjacent to two long-standing industrial units. I understand that vehicle repairs, welding, spraying, tyre fitting and sales occur/are able to take place from these units together with some associated fuel and chemical storage. It also appears that there are no restrictions on the days/hours of operation of business use from these adjacent industrial units. Whilst some housing has been permitted nearby, this is set back from the boundary with these neighbouring industrial units.
7. During my site visit² it appeared that not all of these neighbouring industrial units were in operation. However, some business activities were taking place. Notwithstanding that some sound insulation would be provided within the proposed dwellings³, given the very close proximity of the industrial premises, incoming residents would be likely to experience considerable noise disturbance from business activities immediately alongside.
8. In this regard, the LPA's Environmental Protection Officers (EPO) has advised that 'Amenity' and 'Statutory nuisance' are distinct and separate from one another. Moreover, the potential for noise/vibration from these business premises, including the close proximity of the vehicle spray shop, would result in occupiers of the proposed dwellings having inadequate amenity. I afford this much weight and note that the EPO recommended that permission be refused.
9. Given the close physical relationship between the appeal site and the industrial units, the proposed development would be unlikely to provide a high standard of amenity for future occupiers of the dwellings. At best, it could result in complaints being made to the LPA, which it would have to use scarce resources to investigate and which could ultimately affect the viability of long-standing business uses. During the period of investigation and any enforcement by the LPA, incoming residents would have an unsatisfactory living environment. The efficient operation of local businesses would also be adversely affected. This includes any re-use of the remainder of the public house, which could generate late night disturbance to the occupiers of the proposed dwellings.
10. On behalf of the appellant, my attention has been drawn to planning permission for 4 dwellings at High View Meadows and on land adjoining a builder's yard (ref.16/00418/FUL). However, I do not have all the details of that application and it is unclear what safeguards may have been proposed as part of that development. Whatever the circumstances of that application it does not overcome or outweigh the adverse effects of the appeal scheme that I have identified above.
11. I conclude on the first main issue that the proposal would fail to provide adequate living conditions for occupiers of the proposed dwellings and would

¹ This includes the South Somerset Local Plan 2006-2028 (LP).

² This is only a snapshot in time and was during the peak holiday season when some businesses may have closed.

³ Some rooflights would also be inserted into the facing roof slopes of the skittle alley and store.

conflict with the objectives of LP policy EQ2. This weighs heavily against granting planning permission.

Highway Safety (Appeal A only)

12. Vehicular access to the appeal site is from Victoria Avenue. As I saw during my visit, there was a steady flow of traffic along this highway, which I estimate was travelling at about 25 mph. There are parking restrictions around the entrance to the site and some limited on-street parking. Visibility at the site entrance is adequate for emerging vehicles. In addition to the skittle alley and store, the access serves several dwellings in Victoria Avenue and Carey Mews. This access varies in width but is sufficient for two cars to pass at the entrance.
13. Using TRICS data, the Highway Authority (HA) has calculated that the proposed development would generate approximately 24 vehicle movements per day. It has argued that this would result in a significant increase in vehicle movements to and from the site over the existing movements. However, it is unclear to me if the HA has made any allowance for the authorised use of the buildings as a skittle alley and store. This also has potential to generate vehicular traffic.
14. Whilst during a working week a re-use of the buildings would be unlikely to result in such frequent/regular as the proposed residential use, a skittles match and/or goods vehicles (such as dray lorries) could result in numerous vehicles using the access road. Moreover, it may be possible to convert the skittle alley to additional drinking/eating areas as part of any re-use of the public house and without needing planning permission⁴. In all likelihood, the proposal would result in a very modest increase in vehicular traffic over and above any lawful or permitted use of the buildings that are the subject of this appeal.
15. The HA is also concerned that the proposed parking arrangements (four spaces) would reduce the width of the access road and result in vehicles being unable to turn within the site and enter the highway in a forward gear. If this were to arise it would be likely to compromise highway safety interests along Victoria Avenue with the drivers of vehicles having to reverse onto this section of the highway. I agree with the HA that if all of the proposed parking spaces were occupied the driver of another motor car entering the site would be likely to have difficulty turning and could attempt to reverse onto the highway.
16. As the proposed units are only one and two bedroomed dwellings and would be located within a town where there is a wide range of services and facilities, including employment, not all occupiers may choose to own a motor car. However, even if they did, given the lawful use of the appeal buildings the increase in risk of drivers reversing onto Victoria Avenue would be small.
17. My attention has not been drawn to any road safety issues regarding the use of the existing access and I cannot agree with the HA assessment that, in the context of the Framework, the proposal would have a severe impact on the public highway. Nevertheless, the small increase in risk of drivers of cars having to reverse onto Victoria Avenue weighs against granting permission.
18. I conclude on the second main issue that the proposal would be likely to pose a limited increase in risk to highway safety interests along Victoria Avenue and would be at odds with the provisions of LP policy TA5.

⁴ I have not been alerted to any restriction preventing such ancillary uses from taking place.

Preservation of the Furnham Inn (Appeals A and B)

19. The appeal has not been advanced as enabling development. However, information submitted in support of the application states *"If the proposals are approved the Public House will continue to be marketed as such and any monies available from the works will be used to repair the fabric of the pub."*
20. The LP and the Framework recognise the importance of conserving heritage assets and securing their optimum viable use. Unsurprising for a building that has not been used for a number of years⁵, and from what I saw during my visit, the Furnham Inn requires some works of maintenance and repair.
21. I understand that some new neighbouring dwellings have been built on land that was previously used in association with the operation of the Furnham Inn. There is no cogent evidence before me to demonstrate that this listed building is no longer viable for use as a public house or that an alternative use would secure the future conservation of this designated heritage asset.
22. The proposed loss of the skittle alley and store to separate residential use could diminish the attractiveness of the Furnham Inn to prospective purchasers. These existing facilities and the ancillary space they provide could be necessary to secure the re-use of this listed building as a viable public house and ensure it is preserved. There is no mechanism in place, such as a planning obligation, to ensure that any monies available from the proposed works would be used to repair the fabric of the pub. In this regard, I note the concerns of the LPA's Conservation Officer that the proposal is tantamount to asset stripping.
23. If the proposal was permitted it could undermine efforts to secure the re-use of the Furnham Inn as an historic public house and would fail to preserve this listed building. It would result in less than substantial harm to the significance of this designated heritage asset. However, great weight should be given to an asset's conservation. The harm I have identified would not be outweighed by the limited public benefits that would arise in helping to address the shortfall in HLS or support for the construction/building industry.
24. I conclude on the third main issue that the proposal would fail to preserve the Furnham Inn and would conflict with the objectives of LP policy EQ3.

Other Matters

25. The proposed development would be designed to avoid any serious overlooking or harmful loss of privacy to neighbouring residents.

Overall Conclusion

26. Given my findings on the main issues above, these appeals should not succeed. Even if I had found differently on the third main issue (listed building) the harm in respect of the first main issue (living conditions of incoming residents) would have significantly and demonstrably outweighed the benefits of the appeal scheme when assessed against the policies in the Framework as a whole.

Neil Pope

Inspector

⁵ I understand that this public house ceased trading in about 2013.