
Appeal Decision

Site visit made on 27 June 2019

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 05 September 2019

Appeal Ref: APP/R3325/W/19/3226071

Land and Buildings at Tolbury Lane, Bruton, Somerset BA10 0DQ

- 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 K Lunn against the decision of South Somerset Council.
 - The application Ref 18/01843/FUL, dated 7 June 2018, was refused by notice dated 3 January 2019.
 - The development proposed is described as conversion and demolition of existing former agricultural buildings to form detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for conversion and demolition of existing former agricultural buildings to form detached dwelling on land and buildings at Tolbury Lane, Bruton, Somerset BA10 0DQ in accordance with the terms of the application, Ref 18/01843/FUL, dated 7 June 2018, subject to the conditions listed in the attached schedule.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated in February 2019. I have taken account of this in the determination of this appeal.

Main Issues

3. The main issues are the effect of the proposals on the character and appearance of the area, where they relate to:
 - The proposed location, materials and scale of the new build elements
 - The setting of the Bruton Conservation Area

Reasons

Character and Appearance: location, materials and scale

4. The appeal site is situated on the edge of the historic town of Bruton, within a valley surrounded by trees and hedgerow and well screened from Tolbury Lane. The site is significantly overgrown and has several modern farm buildings and hard standing within it, together with some smaller, older buildings adjacent to the lane, all of which appear to be in a poor state of repair. At the site visit, I observed that because of the topography of the site and partly because of the level of vegetation cover, the character of the site is secluded and rural.

5. Locally, the predominant materials used in buildings within this edge of the town are stone, brick, tile, render and timber. The proposals would result in the demolition of most of the existing farm buildings, with the retention and restoration of the older pigsty buildings (which are of stone). The proposed new dwelling would be a two storey house characterised by significant areas of glazing, to be constricted of stone and timber cladding together with a slate roof. A new stone wall to the boundary with Tolbury Lane would be added, together with a pedestrian access gate through the wall.
6. The appeal proposals are a revision to a scheme for a new dwelling (Local Planning Reference 17/01837/FUL). Both parties agree that the principle of the redevelopment of the site for a new dwelling is therefore not in dispute.
7. The appeal proposals would result in the re-siting of the dwelling further into the site, and away from the nearby Coombe Brook, with the scheme arranged in a loose 'courtyard' layout. The main bulk of the dwelling would be similar in size to the approved scheme, but there would be additional areas in the form of two cross-wings. Whilst the dwelling overall would be substantial in terms of its appearance, I do not consider it would be unacceptably large, given the secluded character of the site itself and the level of development already present within the site.
8. I note the concerns of the Council in relation to the increased size of the dwelling, together with concerns over the increased levels of glazing, reduced levels of stonework and increased levels of timber weatherboarding, which the Council considers would be uncharacteristic. I consider that as a contemporary dwelling the use of such materials would be distinctive, they would not jar with the local area. The stonework plinth and gables of the house would subtly echo the stonework contained throughout the outbuildings and in other buildings within this edge of the town. The appearance of the dwelling and its associated outbuildings would still be dominated by a significant amount of stonework together with the new stone wall that would address Tolbury Lane.
9. The Council have suggested that some of the buildings proposed to be demolished are non-designated heritage assets and I note that the appellant did not submit a heritage statement. However, the Council have not set out which buildings they consider fall into this category and given the proposals would retain and restore the stone pigsty buildings, together with the addition of a new stone wall addressing the lane, I consider that this would result in a significant improvement to the overall appearance of the site.
10. The materials proposed have been carefully considered and reflect the mix of materials present locally. The overall design centred around a courtyard with some restoration of the older stone buildings and new wall would result in a scheme that would reflect the pattern of development within this part of the town. I consider that the distinctive design of the appeal proposal would sit well within its context, given the degree of self-containment offered by the appeal site.
11. I therefore do not find conflict with policy EQ2 (General Development) of the South Somerset Local Plan (2015) (LP), which seeks to support development proposals which offer high quality design that reflects the character and local distinctiveness of an area.

Character and Appearance: setting of the Conservation Area

12. The appeal site outside but adjacent to the Bruton Conservation Area (CA) and I have therefore considered the effect of the proposals on the setting of the CA as a designated heritage asset.
13. The CA boundary follows Tolbury Lane and includes land and buildings to the East. This part of the CA is relatively undeveloped and is characterised by small groups of farm buildings and residential dwellings, broken by relatively small undeveloped parcels of land. I consider that the appeal site contributes to the buffer of open countryside, providing a rural context for the CA. However, the unsympathetic arrangement and appearance and condition of the structures on the site currently make no contribution to the setting of the CA.
14. The sloping nature of Tolbury Lane and its associated strong sense of enclosure, together with the significant screening of the appeal site means that the impact of the proposals would not, in my view, result in any harm to the setting of the CA. Indeed, consider the addition of the stone wall and restoration of the existing stone outbuildings would contribute positively to the setting of the CA and its character.
15. To that end, I do not find harm to the character and appearance of the area, where it relates to the setting of the CA, and I therefore do not find conflict with Policies EQ2 and EQ3 (Historic Environment) of the LP which seeks development that safeguards, enhances and makes a positive contribution to heritage assets that would be affected by it, nor do I find conflict with Paragraph 196 of the Framework.

Other Matters

16. I note the comments of third parties and those of the Bruton Trust, who expressed concern about the design of the dwelling which would not reflect the agricultural or millstream heritage of the site. Whilst I agree that the main dwelling design does not do this, an architectural pastiche on this site would not be the only design solution. In any case, I have made my decision based on the merits of the proposal before me.
17. I have also considered concerns over additional lighting levels; potential effects on biodiversity; flood risk; car parking and pedestrian safety and these are matters that are either not reasons for refusal or have been addressed in the schedule of conditions.

Conditions

18. I have applied standard conditions in terms of timescales and plans in the interests of certainty.
19. Exceptionally, I have applied pre-commencement conditions requiring details of finished floor and ground levels (3) and external materials (4) in order to safeguard the character and appearance of the area and in accordance with the requirements of policies EQ2 and EQ3 of the South Somerset Local Plan.
20. I have applied a condition (5) in order to ensure the proposed lighting scheme is satisfactory and minimises the impact on local biodiversity and the character of the area and in the interests of public safety and convenience, having regard to Policies EQ2, EQ3, EQ4 and TA5 of the South Somerset Local Plan.

21. I have applied conditions 6 and 7 in order to safeguard the landscape character of the area and to ensure there is no harm to the setting of the Conservation Area and to provide ecological, environmental and biodiversity benefits, having regard to Policies EQ2, EQ3 and EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.
22. Conditions 8 and 9 covering foul and surface water drainage have been applied in order to safeguard against pollution and flooding, having regard to Policies EQ1, EQ2 and EQ7 of the South Somerset Local Plan and relevant guidance within the NPPF.
23. I have applied condition 10 in order to protect the living conditions of existing residents and to ensure the retention of parking provision, having regard to policies EQ2, EQ3 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.
24. Finally, condition 11 is applied in order to provide adequate safeguards for nesting birds, which are afforded protection under the Wildlife and Countryside Act 1981 (as amended), having regard to Policy EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

Conclusions

25. Having considered all matters raised, and subject to the conditions in the attached schedule, I consider the appeal is allowed.

Sian Griffiths

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: Site Location and Block Plan (18-011.LUN-01); Proposed Site Location and Block Plan (18-011.LUN-02); Footprint and Site Layout Plan (18-011.LUN-03); Existing Site Plan (18-011.LUN-04 RevA); Proposed Front Elevation 4 (18-011.LUN-05); Proposed Front Elevation (18-011.LUN-06); Proposed Side Elevation 1 (18-011.LUN-07); Proposed Side Elevation 2 (18-011.LUN-08); Proposed Side Elevation 3 (18-011.LUN-09); Proposed Ground Floor Plan 1 (18-011.LUN-10); Proposed First Floor Plan (18-011.LUN-11); Supplementary Garage Plans and Elevations (18-011.LUN-12 RevA); Supplementary Piggery Plan and Elevations (18-011.LUN-13); Indicative Perspective View from Gate (18-011.LUN-14); Indicative Perspective View from Coombe Brook (18-011.LUN-15); Indicative Perspective View from Garden Paddock (18-011.LUN-16); Section (18-011.LUN-17).
3. Finished floor levels and finished ground levels of the site to be submitted to and approved in writing by the LPA prior to commencement of development. The development shall thereafter be constructed in accordance with the approved plans.
4. Details of external finishing materials shall be submitted to and approved in writing by the LPA prior to construction/progression of any part of the development above slab level/ground floor level. A schedule of materials and (colour) finishes (including samples and trade descriptions/brochure details where appropriate) of materials to be used in the external surfaces to be submitted and approved shall include:
 - (a) constructional details at an appropriate scale of all eaves, verges and barge boards. Unless otherwise agreed in writing by the Local Planning Authority, all new (and any subsequent replacement) fascia boards shall be fitted tight to the wall face and the barge shall be finished either with a close fitting timber board or the wall finish taken directly up to the underside of the roof covering;
 - (b) a sample panel of the type of stonework, type of pointing and the mortar to be used, measuring not less than two square metres, shall be provided for inspection and written approval by the Local Planning Authority prior to the construction of any new walls and thereafter kept on site for reference until the stonework is completed. Machine cut or sawn faces shall not be used in the walls or for quoin stones.
 - (c) the colour and finish of the timber cladding/weatherboarding to be used and a drawn section to show its profile, lapping and finish;

- (d) details of any new brickwork to be used;
- (e) type, colour finish and texture of render to be used;
- (f) elevational and plan and vertical sectional drawings at an appropriate scale of all external windows and doors. Such details shall include design, appearance (including thresholds), profiles, position in wall reveals, opening lights (if any), materials, finish and colour, including their method of opening, and materials and finish of all lintels and sills;
- (g) the locations, heights, sizes, materials of construction and colour finishes of all flues, ducts, rainwater goods, external vents, extracts, meters and any other external attachments;
- (h) the type, size, siting and method of fixing of all rooflights to be used. All rooflights shall be fitted flush to the roof plane wherever possible;
- (i) heights, materials, design, appearance and (colour) finish of all balconies and railings;

The development shall be constructed in accordance with the approved details and completed before the development is first occupied (or completed to a stage previously agreed in writing by the Local Planning Authority) and thereafter shall be retained and maintained in that form, unless the Local Planning Authority gives prior written approval to any subsequent variation.

5. Prior to the erection, installation, fixing, placement and/or operation of any external lighting on the site (including on any of the buildings themselves), details of such external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cowlings of all external lights to the buildings and any other parts of the application site edged red (as indicated on the approved Site Location Plan) and the hours at which such lighting is to be operated. The external lighting shall thereafter be carried out in accordance with the approved details (unless the Local Planning Authority gives prior written approval to any subsequent variations) and shall thereafter be retained in that form.
6. Prior to construction/progression of any part of the development hereby permitted above slab level/ground floor level, a scheme of hard and soft landscaping detailing treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. This landscaping scheme shall include:
 - (a) planting plans (to a recognised scale) and schedules indicating the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
 - (b) the method and specifications for operations associated with planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting;
 - (c) existing landscape features such as trees, hedges and shrubs which are to be retained and/or removed, accurately plotted (where appropriate);

(d) existing and proposed finished levels (to include details of grading and contouring of land) and the means of accommodating change in level (e.g. retaining walls, steps, railings, walls, gates, ramps, or other supporting structures);

(e) location, type and materials to be used for hard surfacing, including specifications and details of manufacturer, type and design, colour and bonding pattern where appropriate. Samples may be required to be submitted and approved;

(f) car parking layout and any other vehicular and pedestrian access and circulation areas;

(g) the position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedge(banks)), where appropriate;

(h) a management and maintenance plan of all the approved landscaping features; and

(i) a timetable for the implementation of the approved hard and soft landscaping scheme.

There shall be no excavation or raising or lowering of levels within any prescribed root protection areas of retained trees unless previously approved in writing by the Local Planning Authority.

The approved hard and soft landscaping scheme shall be carried out strictly in accordance with the approved timetable of implementation and shall thereafter be protected, managed and maintained in accordance with the approved scheme.

7. Except for any trees, hedges or shrubs that may be identified for removal on the approved landscaping plans and schedule, approved pursuant to condition 06, if within a period of five years from the date of the completion of the buildings or completion of the approved landscaping scheme pursuant to condition 07 (whichever is the later), any retained tree, hedge or shrubs are felled, removed, uprooted, destroyed or die, or become in the opinion of the Local Planning Authority seriously damaged, diseased or defective, it/they shall be replaced by planting as originally approved, unless the Local Planning authority gives its written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.
8. Prior to occupation of the dwelling hereby permitted, a scheme of foul drainage and effluent disposal shall be implemented in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained and maintained thereafter.
9. Prior to occupation of the dwelling hereby permitted, a scheme of surface water disposal from all new buildings and hardened areas shall be implemented in accordance with details previously submitted to and

approved in writing by the Local Planning Authority. The approved scheme shall be retained and maintained thereafter.

10. The proposed car port / garage and garden storage buildings shall be used solely for such designated purposes for vehicular parking and storage purposes incidental to the occupation and enjoyment of the dwellinghouse hereby permitted, and shall not be used for, nor in connection with, any commercial trade or business purposes.
11. No demolition and conservation development works to buildings, and the removal of potential bird nesting habitats, comprised of trees, scrub, shrubs and ruderal vegetation, shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of buildings and vegetation for active birds' nests immediately before works proceed and vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority and written agreement from the Local Planning Authority so obtained. Under no circumstances should blocking bird access to certain areas and features in using plastic bird netting hung over the gaps and apertures be carried out, as this can lead to entrapment from birds caught in netting. All mitigation works as recommended in the submitted Preliminary Ecological Appraisal dated 20th July 2018 prepared by Western Ecology to be fully adhered to during the development process.

End of Schedule