



Appeal Decision

Site visit made on 5 September 2019

by David Wyborn BSc(Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2019

Appeal Ref: APP/W3330/W/19/3230445

Staplegrove Inn, 206 Staplegrove Road, Staplegrove, Taunton TA2 6AL

- 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 Stone Holdings SW Ltd against the decision of Somerset West and Taunton Council.
 - The application Ref 34/18/0027, dated 20 December 2018, was refused by notice dated 26 April 2019.
 - The development proposed is for the change of use of public house (Use Class A4) to a 9-bed House of Multiple Occupation (HMO).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of public house (Use Class A4) to a 9-bed House of Multiple Occupation (HMO) at Staplegrove Inn, 206 Staplegrove Road, Staplegrove, Taunton TA2 6AL in accordance with the terms of the application, Ref 34/18/0027, dated 20 December 2018, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. Since the refusal of this proposal, a scheme to change the use of the public house to an 11 No. bedroom house of multiple occupation has been granted on appeal¹. The earlier decision for the 11 bed HMO had been refused for similar reasons as the present proposal. In the light of the appeal decision, and as the present scheme is similar but would provide less beds, the Council has confirmed that it does not wish to contest the appeal and has set out recommended conditions to accompany any approval.

Main Issue

3. In the light of the recent appeal decision, such that the Council do not wish to contest the appeal, the main issue is whether there are any other considerations that might indicate that the appeal should be dismissed.

Reasons

4. I have taken into account all the submissions from interested parties, including those from local residents, Staplegrove Parish Council and the Somerset Waste Partnership. A wide variety of concerns and objections have been set out in detail, including the parking and highway situation, quality of the accommodation and the intensity of occupation. The previous Inspector

¹ APP/D3315/W/19/3221218 – decision dated 25 June 2019.

examined these matters in respect of the 11 bed HMO proposal and came to the conclusion that the scheme was acceptable and would not prejudice highway safety and operation, and that the outdoor amenity space would not lead to unacceptable living conditions for future occupiers. That Inspector also made reference to a variety of other matters raised by interested parties, such as fire safety, ventilation and disabled access. I have examined all the concerns and objections which have been raised in this appeal, but I have found no substantive or convincing evidence that would lead me to a different conclusion to that reached in the earlier appeal decision, particularly as this proposal is for 2 fewer beds within the HMO.

5. I have not been presented with any clear reason why this revised proposal would conflict with the relevant policies of the development plan or the National Planning Policy Framework, such as to justify withholding permission.
6. After considering all the evidence and visiting the site, and having regard to the analysis and conclusions in the earlier appeal decision for the 11 bed HMO, I conclude that there are no other considerations that indicate that this appeal should be dismissed.

Conditions

7. I have had regard to the conditions suggested by the Council and the advice in the Planning Practice Guidance. The standard time limit is required and a condition specifying the approved plans is necessary in the interests of certainty.
8. In the interests of highway safety is it necessary to require details of the proposed two parking spaces to be submitted to and approved by the Local Planning Authority, and to require the provision and retention of the spaces for that sole purpose thereafter.
9. It is necessary for details of the layout and boundary treatments to the first floor amenity area to be submitted and approved by the Local Planning Authority in the interests of the character and appearance of the area, the safety of future occupiers and the privacy of occupiers of the adjoining dwellings broadly to the north. Similarly, it is necessary for details of the front boundary wall to be submitted to and agreed by the Local Planning Authority in the interests of the character and appearance of the area.

Conclusion

10. Having regard to the above, and taking all other matters into account, I conclude, subject to the specified conditions, that the appeal should be allowed.

David Wyborn

INSPECTOR

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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: 3898-BB -XX -XXX -DR-A-0200 Rev B Location Plan, 3898-BB-XX-XXX-DR-A-0320 rev A Proposed Ground Floor Plan, 3898-BB-XX-XXX-DR-A-0321 Rev A Proposed First Floor Plan, 3898-BB-XX-XXX-DR-A-0600 Rev C Proposed Elevations, 3898-BB-XX-XXX-DR-A-0601 Rev A Existing Elevations, 3898-BB-XX-XXX-0310 Existing Ground Floor Plan, 3898-BB-XX-XXX-0311 Rev A Existing First Floor Plan and 3898-BB-XX-XXX-DR-A-0602 Existing and Proposed Sections.
- 3) Before the development hereby permitted is first occupied, a parking area providing for a maximum of two vehicles shall have been laid out in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The area allocated for parking on the approved plan shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 4) Before the development hereby permitted is first occupied, a scheme detailing the layout and boundary treatments to the rear first floor amenity area, together with an implementation timetable, shall have been submitted to, and approved in writing, by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details and in accordance with the agreed implementation timetable.
- 5) Prior to any development above ground level, details of the ground floor boundary wall shown on plan No 3898-BB-XX XXX-DR-A-0320 Rev A, together with an implementation timetable, shall have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and in accordance with the agreed implementation timetable.

End of schedule