



Appeal Decision

Site visit made on 19 August 2019

by M Harris BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2019

Appeal Ref: APP/Q3305/W/19/3226386

The Old New Inn, Priddy Green, Priddy, Cheddar BA5 3BB

- 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 Russell Sage (Russell Sage Studio Ltd) against the decision of Mendip District Council.
 - The application Ref 2018/2050/FUL, dated 13 August 2018, was refused by notice dated 11 October 2018.
 - The development proposed is for the change of use land from residential curtilage to formation of guest car park and erection of outbuilding for purposes ancillary to The Old New Inn.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Russell Sage (Russell Sage Studio Ltd) against Mendip District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - i. Whether the site is an appropriate location for development;
 - ii. The effect of the proposal on the character and appearance of the countryside and the Area of Outstanding Natural Beauty; and
 - iii. The effect of noise and disturbance on the adjoining property known as Yardhouse.

Reasons

Appropriate Location

4. The Old New Inn (hereafter referred to as the pub) is located within Priddy, a small village in the Mendip Hills Area of Outstanding Natural Beauty (the AONB). The pub fronts Priddy Green, a large area of open space bounded by roads in the centre of the village.
5. Core Policy 1 of the Mendip District Council Local Plan Part 1: Strategy and Policies 2006-2029, adopted December 2014 (the Local Plan) establishes a spatial strategy and settlement hierarchy. Priddy is not cited within this and as

- such for the purposes of planning policy it is defined as being located within open countryside.
6. Policy CP3 of the Local Plan sets out the approach to supporting business development and growth, referencing the position in Core Policy 1 (1c) which indicates that there may be exceptions to what are otherwise strict controls on development. Policy CP4 confirms that proposals relating to the expansion of business will be supported subject to development being of a scale which is appropriate to the location and the site constraints.
 7. The evidence indicates that there are existing planning permissions in place to facilitate the reopening of the pub, including for the provision of guest bedrooms, and it is clear that building operations are active. Within the context of these works, there is no detailed evidence that the viability of reopening the pub was, and is now, dependent on the delivery of the current proposals.
 8. Policy CP4 supports 'expansion' proposals and in my judgement this proposal is an expansion of the pub business, this having been 'established' via the previous planning approvals. Such expansions are supported by Policy CP4 subject to appropriate consideration of the location and constraints; in this context, these are the location in the defined countryside, within the AONB, and in close proximity to the neighbouring dwelling, Yardhouse.
 9. The specific effect of the proposal on each of these is considered in separate Main Issues however it is clear that both represent a constraint to development which should not be set aside. It is therefore reasonable to expect clear evidence demonstrating that the proposal is critical to maintaining, or further enhancing, the future economic performance in order to judge whether the proposal accords with the Council's spatial strategy.
 10. I accept that the reopening of the pub involves a significant investment and offers the potential for long term local employment. However, whilst the information provided by the appellant refers to the general need for the ancillary building as a result of the displacement of spaces in the main building arising from the refurbishment and need for increased parking provision, there is no compelling viability evidence that without the parking, and despite any parking restrictions that may be enforced beyond the site, the business would be negatively affected.
 11. In my judgement there is insufficient justification, based on robust evidence, that the proposal is sufficiently necessary to justify setting aside the Council's spatial strategy of protecting the countryside and as such it is not an appropriate location for development. For this reason, the proposal is contrary to Policies CP1, CP3 and CP4 of the Local Plan insofar as they establish the spatial approach to development and Sections 6 and 15 of the National Planning Policy Framework (the Framework), specifically in relation to ensuring development respect the rural countryside location in which it is proposed.

Character and appearance

12. Priddy is best described as a linear settlement comprising of several limbs extending from The Green. Along these, development appears to typically be residential and no more than one building deep. The site surroundings are developed, including the pub building and adjacent dwellings of Yardhouse and The New House, the former being set back from the road.

13. The proposal would introduce development onto land which the evidence identifies as a former kitchen garden. Aside from the existing garage, there is no development to the rear of the pub, although, as noted, Yardhouse is set well back within its plot to the extent that the front elevation would be inline with the proposed outbuilding.
14. The land rises in a southerly direction away from the rear of the pub. Whilst the immediate site is contained by vegetation and fencing associated with agricultural use, beyond this it is more rural in character with a line of trees on the field boundary on the immediate horizon. Although the vegetation provides a sense of broad enclosure, there are clear qualities of open countryside typical of other parts of Priddy which have similar enclosed fields to the rear of development before the landscape opens to the broad plateau which sits over the Somerset levels to the south west.
15. Section 85 of The Countryside and Rights of Way Act 2000 sets out the need to have regard to the purpose of conserving and enhancing the natural beauty of AONBs. This is amplified by paragraph 172 of the Framework which notes that great weight should be given to such conservation and enhancement together with the limiting the scale and extent of development within such areas.
16. Although the proposals are relatively small scale in nature, they do represent a form of development which would be characteristically urban. The formalised nature of car parking, including new boundary fencing/hedging and associated access gates/barriers, together with the proposed outbuilding would introduce development into an area of undeveloped land and as such would change the character and appearance of the site and surroundings. Whilst I acknowledge the appellant's position in respect of the proposed materials to be used, and notwithstanding whether the size of the building is appropriate and proportionate to its intended use, the presence of the structure in this location is unmistakably development within an area which is transitioning to more open countryside beyond.
17. In assessing the potential impact, I have had regard to the photographic evidence. This does not purport to be a Landscape and Visual Impact Assessment but seeks to present the proposals from a series of viewpoints. Viewpoint 3, taken from the west of the site on an unnamed road is relevant in respect of the potential impact of development. Whilst in this particular position, the development would be seen in the context of The New House and Yardhouse beyond, it is notable that the track extends to the south west becoming a public right of way. In my judgement the viewpoint is unrepresentative and fails to consider the potential for views of the site from this footpath as it transitions into open countryside and the wider AONB.
18. In light of the Local Plan strategy on development in the countryside, together with the duty placed on me by legislation and the Framework, I do not consider that the proposal would conserve the special qualities of the AONB and it would therefore have a harmful impact on the character and appearance of the countryside and the AONB. Whilst there would be some limited benefit gained from the demolition of the existing prefabricated garage, removing it would not outweigh the harm that would arise from the proposal.

19. This impact would be contrary to Policies CP1 and CP4 of the Local Plan insofar as they establish the strategic approach to development and highlight the need to consider site constraints. The proposal also conflicts with Policies DP1, DP4 and DP7 of the Local Plan with regard to proposals needing to address local distinctiveness, protect the landscape of the AONB and are appropriate to the local context. Finally, the proposals fail to conserve and enhance the AONB as required by paragraph 172 of the Framework.

Effect of noise and disturbance

20. The spatial arrangement of the pub site and Yardhouse is such that the north eastern elevation of the dwelling is orientated towards the rear of the pub. Due to the significant set back from the road, the driveway and front garden of Yardhouse is adjacent to the existing area of car parking located to the side of the pub which results in the frontage feeling relatively open to the road and village green beyond.
21. In contrast to this, the rear garden of Yardhouse is significantly more enclosed. The north western boundary of the garden is formed of fencing and established trees and other vegetation. Beyond the formal garden to the south west, open fields slope upwards away from the boundary. The experience of the rear of the property is markedly different, with a distinct rural character.
22. The proposal would introduce an area of car parking immediately beyond the shared boundary of Yardhouse and the pub. Access would be via the existing car park and the plans show the retention of existing hedges, including on the shared boundary, together with the planting of new hedging and erection of acoustic fencing. The location of the car park has the potential to alter the peaceful characteristics of the rear garden of Yardhouse, principally through the potential for noise and disturbance including at unsociable hours of the day.
23. In respect of noise, the effect of vehicles entering and exiting the car park, together with people moving between the car park and the pub, is such that there is potential for unacceptable disturbance to the occupiers of Yardhouse; this would be particularly harmful in respect of the rear garden.
24. It is possible that lighting within the car park could be designed and managed to be acceptable, potentially through the use of low-level lighting posts/columns controlled via timers. However, owing to the location of the access to the car park, the potential for unacceptable disturbance to the front elevation of Yardhouse from the headlights of vehicles manoeuvring is significant and would remain.
25. The evidence, including from third parties supporting the proposal, identifies a range of potential mitigation. This includes the control of lighting discussed above together with a proposal from the appellant to limit the use of the car park to overnight guests and staff.
26. Whilst supporting the appellant's aim to limit potential impacts on the occupiers of Yardhouse, the enforceability of controls on the use of the car park are questionable. Specifically, although an access-controlled barrier could potentially restrict general pub users from the car park, the ability for the Local Planning Authority to consistently enforce this is not practical. In any event, it is questionable as to whether the harm would be mitigated. I agree with the appellant that an hours of use condition, as proposed by the Council, would be

- impractical in terms of restricting the arrival and departure times of guests and may be equally difficult for the Council to enforce against.
27. It is proposed that acoustic fencing would be installed to the boundary with Yardhouse. In my judgement whilst this could mitigate potential impacts to some degree, it is unlikely to do so entirely and therefore the potential risk of noise disturbance remains, particularly during the early morning or late at night. I note that the appellant considers that this would reduce the impact of headlight glare from vehicle movements and whilst this might be the case insofar as it impacts on the rear garden, the potential for vehicles arriving after dark and accessing the car park would still have an impact on the front elevation of Yardhouse.
28. The evidence addresses the potential impact of the proposal on the occupiers of The New House, situated to the north of the site. Whilst I was not able to enter the rear garden of The New House during my visit, it is clear from within the appeal site that the interaction is different in two main respects. Firstly, the access to the proposed car park is further from the shared boundary between the pub and The New House. Secondly, there are a number of structures in situ within the rear garden of The New House which can be reasonably considered to provide a degree of buffering of any disturbance.
29. The appellants case suggests that, owing to the Council's judgement that the proposal would have a reduced impact on The New House, this reduces the weight that should be applied to the potential impact on Yardhouse. As set out above, the interaction between the pub and each dwelling are different and as such I have placed no weight on this point.
30. For the reasons outlined above, and in the absence of enforceable mitigation, the effect of noise and disturbance on the adjoining property known as Yardhouse would be unacceptable. This would be contrary to Policies DP7 and DP8 of the Local Plan insofar as they seek to seek to protect the users of neighbouring buildings from unacceptable impacts and the Framework in respect of ensuring appropriate design.

Other Matters

31. There is a high level of local support for the proposal, both in respect of the general reopening of the pub and relating to car parking provision. I am mindful that whilst the Parish Council previously objected to the proposals, this position has been reversed. However, local support is not a sufficient reason to overcome the harm I have found and whilst I recognise local concern in respect of car parking, the reopening of the pub has not been shown to be dependent on the current proposal.

Conclusion

32. In light of the above, and having had regard to all other relevant matters, the appeal is dismissed.

M Harris

INSPECTOR