



Appeal Decision

Site visit made on 16 March 2020

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2020

Appeal Ref: APP/W3330/W/19/3242416

Winters Farm, Winters Lane, Brompton Ralph TA4 2SE

- 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 Robert Stephens against the decision of Somerset West and Taunton Council.
 - The application Ref 3/02/19/001, dated 3 June 2019, was refused by notice dated 1 August 2019.
 - The development proposed is change of use of land to provide holiday let. To site a Shepherd's Hut (measuring 5.9m x 2.4m) on a concrete base (measuring approximately 28 square metres). The location is marked in red on the enclosed site map. The intention is to let the Shepherd's Hut as a holiday let.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. West Somerset and Taunton Deane Councils ceased to exist on 1 April 2019, following a merger to form the new Somerset West and Taunton Council. Provisions within the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 allow for any "*plan, scheme, statement, or strategy*" prepared by one of the merged authorities to be treated as if "*it had been prepared and, if so required, published by the single tier council for the whole or such part of its area as corresponds to the area to which the particular plan, scheme, statement or strategy relates*". The status of the West Somerset Local Plan to 2032 has not changed following the merger.

Main Issue

3. The main issue is whether the use of land for tourism accommodation purposes accords with local and national policies with regards to the accessibility of local services and minimising the need to travel by private car.

Reasons

4. The appeal site is in a pleasant rural and peaceful location which is a short driving distance from the small dispersed settlement of Brompton Ralph. The site itself is located at the end of a long, uneven and unlit track. The intended base for the shepherds hut is on an area of agricultural land laid to pasture which is surrounded by woodland with a river and pond nearby.
5. The Development Plan for the area includes the West Somerset Local Plan to 2032 (Local Plan) which was adopted in 2016. The site is outside of the

- secondary settlement of Brompton Ralph and is therefore located within the countryside for the purposes of planning policy.
6. Policy OC1 of the Local Plan sets out that *"Development in the open countryside ... will only be permitted where [amongst other things] it is provided through the conversion of existing, traditionally constructed buildings in association with employment or tourism purposes as part of a work/live development"*. The proposal does not involve the conversion of an existing building and none of the other policy criteria are specifically relevant to the proposal to introduce a new tourism use into the open countryside.
 7. Local Plan Policy EC9 indicates that new tourism uses/buildings outside of settlements *"will only be supported where:*
 - *The proposed location is essential to the business and that it could not be located elsewhere;*
 - *it does not adversely affect the vitality and viability of the neighbouring settlements; and*
 - *it complements the existing tourism service and facility provision in neighbouring settlements and surrounding area without generating new unsustainable transport patterns"*.
 8. Notwithstanding that the site may have previously been used by the Scouts, the proposal is not connected to an existing relevant business and nor is there any evidence that the current site is the only one suitable for the proposal. Given its limited scale, the proposal would be unlikely to have any noticeable effects on the vitality or viability of neighbouring settlements. No specific tourism provision in the surrounding area has been drawn to my attention which the proposal would complement.
 9. In terms of the need to locate tourism accommodation where it would minimise the need to travel, the appellant accepts that the proposal is only really accessible by car. Aside the long, uneven and unlit access driveway, the surrounding rural roads are not conducive to walking or cycling due to topography, distance and absence of footways. Furthermore, there are very few local facilities or establishments that guests could use or frequent in the surrounding area in any event.
 10. It is also agreed by the appellant that the site is detached from Brompton Ralph, which itself is only considered suitable to accommodate small scale development under Local Plan Policy SC1 where it can be proven to contribute to wider sustainability benefits for the area. Whilst the measurement from the appeal site to Brompton Ralph is stated as being in the region of 400 metres, that appears to be to the closest dwelling. A more realistic distance to the only local facility, the Post Office, is approximately double that distance by road.
 11. Paragraph 83 of the National Planning Policy Framework (2019) (the Framework) indicates that planning policies and decisions should enable *sustainable* rural tourism and leisure developments which respect the character of the countryside (my emphasis). The revised Framework is also clear that the planning system should be genuinely plan-led and neither Local Plan Policies EC9 or OC1 conflicts with the Framework in this regard.
 12. In view of this main issue, the use of land for tourism accommodation purposes does not accord with Local Plan Policies OC1 or EC9 in respect of the

accessibility of local services or minimising the need to travel by private car. For similar reasons, it would also conflict with the Framework.

Other Matters

13. The appellant argues that the scale of vehicular movements that would be generated would be minimal given the modest size of the accommodation which would preclude large groups of people staying. By extension, the economic benefits from such a small scale proposal would also be limited. Whilst it is claimed that the socioeconomic benefits would be so great as to override the negative impacts of car dependency by future guests, there is little to quantify the scale of these benefits.
14. I note that the proposal would offer the opportunity for guests to undertake recreational walks in the countryside. It would also suit tourists wishing to take advantage of the tranquillity and natural beauty of such a rural location. Whilst these factors indicate that the rural nature of the proposal is a key factor in its attractiveness to future guests, there are many likely candidate sites of this nature within the plan area and these factors alone do not themselves justify a departure from the local policies that govern development in the countryside.
15. Another appeal decision¹ has been brought to my attention involving a shepherds hut in the countryside. That proposal was in a different local authority area and was therefore considered against a different policy context. Whilst I note that there are some parallels between the proposals, the evidence pertaining to this scheme is not sufficiently compelling to reach the same decision as my colleague and I am not bound by her decision in any event.

Planning balance and conclusion

16. On the evidence before me, the proposal conflicts with the Development Plan and there are no considerations of sufficient materiality to outweigh the identified harm.
17. For the reasons set out above, and having regard to all other matters raised, the appeal is dismissed.

Hollie Nicholls

INSPECTOR

¹ APP/D2510/W/19/3232935