
Appeal Decision

Site visit made on 2 June 2020 by Scott Britnell MSc FdA

Decision by R C Kirby BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2020

Appeal Ref: APP/W3330/W/20/3245967

Pen Elm, Minehead Road, Norton Fitzwarren, Taunton TA2 6PD

- 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 Mrs Sheryl Hunt against the decision of Somerset West and Taunton Council.
 - The application Ref 25/19/0023, dated 15 October 2019, was refused by notice dated 20 December 2019.
 - The development proposed is subdivision of the existing dwelling to create a separate dwelling within a domestic outbuilding.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue in this case is whether the appeal site is in a suitable location for a new dwelling.

Reasons for the Recommendation

4. The appeal site comprises an existing outbuilding set within the large grounds of a detached dwelling, Pen Elm, within the open countryside. It sits on the northern side of the A358, to the north west of Taunton and north of Norton Fitzwarren. To the east is a short terrace of dwellings and to the west is a collection of other residential properties, beyond which is a garden centre.
5. In this respect and having regard to the Braintree District Council Court of Appeal ruling¹, I find that the new dwelling would be nearby existing development. It would not, despite both party's views in this regard, result in an isolated home in the countryside in terms of paragraph 79 of the National Planning Policy Framework (Framework). Accordingly, this paragraph of the Framework is not a material consideration in this appeal.

¹ [2018] EWCA Civ 610 Case No: C1/2017/3292.

6. Within the countryside, Policy DM2 of the Adopted Taunton Deane Core Strategy 2011-2028 Development Plan Document September 2012 (CS) sets out the types of development that will be permitted in the countryside. The supporting text to Policy DM2 confirms that it seeks to control development outside of settlements to promote sustainable patterns of development.
7. The conversion of an existing building falls under a type of development that is permitted in the countryside under Policy DM2. However, the policy makes clear that a residential use of such a building will only be acceptable in exceptional circumstances, and where other uses set out within Paragraph 7 of the policy are demonstrably unsuitable.
8. There is no evidence before me that the appellant has demonstrated the building is unsuitable for all other listed uses under Policy DM2 Paragraph 7, with the appeal statement responding only to the Council's query concerning a potential Class B Use. In the absence of such information, it is clear that the sequential approach required by CS Policy DM2 has not been complied with. Consequently, I find that it has not been demonstrated that the appeal site is suitably located for a new dwelling.
9. My attention has been drawn to planning permissions and appeal decisions which the appellant considers are similar to her proposal. While the information provided describes the relationship of those proposals to nearby development, I do not have the full details relating to these cases. Moreover, it is evident in these cases that paragraph 79d of the Framework was considered to apply, which is not the case in this appeal. As such, I do not consider that these cases are directly comparable to the appeal before me and I afford them limited weight.
10. In light of my findings, I conclude that the location of the appeal site is not suitable for a new dwelling because of the conflict with CS Policy DM2, and the spatial strategy underpinning Policy SB1 of the Taunton Deane Adopted Site Allocations and Development Management Plan December 2016 and Policy SP1 of the CS. These seek, among other things, to control development in the countryside and focus development on the most accessible and sustainable locations and seek to ensure a sustainable approach to development. These policies are broadly consistent with the Framework which seeks to ensure that: sufficient land of the right type is available in the right places and at the right time to support growth; that homes are provided with accessible services, and, the number and length of journeys needed for employment, shopping, leisure, education and other activities are minimised. Accordingly, they are given full weight in my consideration of this case.
11. The appellant suggests that the planning permission for the conversion of the outbuilding to a residential annexe is a fall-back position that justifies the proposed development. Whilst this may be the case, the use of that building was considered under different plan policies to the proposal before me. Moreover, there are differences between how an ancillary residential use and a separate residential dwelling would function. The likely relationship between the occupants of ancillary accommodation and the main dwelling, for example, means that they are likely to share car journeys for purposes such as shopping or medical appointments. As such, an ancillary use is likely to result in less independent car journeys as a separate residential dwelling. This matter does

not therefore outweigh the conflict with the development plan that I have found.

Conclusion and Recommendation

12. For the reasons given above, I recommend that the appeal should be dismissed.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR