



Appeal Decision

Site visit made on 27 July 2020

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th August 2020

Appeal Ref: APP/W3330/W/20/3251693

Wick House, Wiveliscombe Road, Norton Fitzwarren, Taunton, TA4 1BT

- 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 Lee Morgan against the decision of Somerset West and Taunton Council.
 - The application Ref: 25/19/0022 dated 14 October 2019, was refused by notice dated 10 December 2019.
 - The development proposed is described as 'change of use of land and building comprising 3 no. former holiday lets (Use Class C1) and ancillary domestic use associated with Wick House (C3) to a separate dwelling (Use Class C3)'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original planning permission¹ for which a change of use is now sought was for a change of use from stores to holiday units at Wick House, Norton Fitzwarren. This permission was subject to a number of conditions, one of which sought to strictly control how the property would be used as a holiday let. This set out that 'The occupation of the building shall be restricted to bona fide holidaymakers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.' This condition was imposed as the Council did not consider the building to be suitable for permanent residential occupation because of its close relationship with farm buildings, the restricted curtilage, the inadequate size of the building and to ensure that the accommodation is available for tourism.
3. Notwithstanding the description of development on the application form, the Council's decision notice and the appeal form describe the proposal as 'Change of use of land with conversion of 3 No. holiday lets into 1 No. residential dwelling at Wick House, Wiveliscombe Road, Norton Fitzwarren'. It will be noted that the appeal form, and decision notice make no reference to ancillary accommodation. The existing permission does not include using the accommodation as ancillary to the main house. I am therefore dealing with the appeal on that basis.

¹ Council Ref 25/07/0023

Main Issues

4. The main issues are:

- whether or not the building is suitable for converting to a permanent dwelling given its location; and
- the effect of the proposed development on the character and appearance of the area.

Reasons

Suitable for conversion

5. The Council's strategy for managing the location of development is set out in Policy SP1 of the Taunton Deane Core Strategy 2012 (CS). This applies a sequential approach to the location of new development based on a settlement hierarchy. Policy SB1 of the Taunton Deane Site Allocations and Development Management Plan 2016 (SADMP) sets out that in order to maintain the quality of the rural environment and ensure a sustainable approach to development, proposals outside defined settlement boundaries will be treated as being within the open countryside and assessed against Policies CP1, CP8 and DM2 of the Core Strategy.
6. The appeal site is not included within any defined settlement boundary. It is therefore within the open countryside. Policy DM2 7.b sets out the types of development that are supported within the countryside. This allows for the conversion of existing buildings subject to a sequential approach based on a prioritised list of 7 uses. The conversion to a private residential use is not excluded but it is the last in this prioritised list and is only permitted in exceptional circumstances.
7. The National Planning Policy Framework (the Framework) supports the provision of housing development that reflect local needs. Paragraph 79 sets out that the development of isolated homes in the countryside should be avoided unless certain circumstances apply, including c) the development would re-use redundant or disused buildings and enhance its immediate setting.
8. I accept that Policy DM2 pre-dates the Framework. However, the policy does not preclude the conversion of existing buildings into residential use provided they are genuinely redundant or disused as demonstrated by the sequential approach. In my view, this approach is not inconsistent with the approach to rural housing set out within paragraph 79 of the Framework.
9. The appellant has not provided any evidence of having undertaken a sequential approach to the reuse or conversion of the appeal property. Although not specifically referred to in the policy, it is apparent that if something cannot be used for the uses set out in the prioritised list that some form of marketing exercise will have been undertaken to demonstrate this. I have no evidence that such an assessment has been undertaken and that other uses have been considered and discounted. The proposal is therefore in conflict with this policy.
10. The appellant has indicated that the holiday letting business ceased to operate in March 2017 due to low occupancy levels. This is not disputed. During my site visit I observed that some of the space was being utilised for general storage,

however, the rooms were set up as 3 separate residential rooms with beds and bathrooms which appeared useable as a holiday let. Whilst I appreciate that the business may no longer have been viable for the appellant, there is nothing before me to suggest that this would be the case if someone else were to run the business. In the absence of firm evidence that the building is either redundant or disused, I cannot be certain that it would meet the circumstances as set out in paragraph 79 c) of the Framework.

11. The appeal site is indicated to be some 700m from the nearest settlement of Norton Fitzwarren which forms part of the wider urban area of Taunton. This village benefits from a range of services and facilities. The site is located off the B3227, a country road which, at the time of my site visit, appeared to be reasonably busy and fast moving. The road is both unlit and has no footpaths and as such does not provide a safe route to the village for pedestrians although I have no reason to find it unsuitable for cyclists. In addition, there is a bus service which would provide access to nearby settlements although I have no details of the frequency of these services. Nevertheless, given this, I am satisfied that occupiers would not be solely reliant on the private car in order to access services and facilities.
12. I also acknowledge that the level of trips associated with a private dwelling may be less than that generated by 3 separate holiday lets, although a permanent residence would be occupied throughout the year rather than the more seasonal occupation associated with holiday lets.
13. Drawing together the strands of my assessment, I have found that insufficient evidence has been provided to demonstrate that the building is either redundant or disused and that it could neither continue in its current use nor be used for any of the other uses identified under Policy DM2 7.b. Whilst I accept that future occupiers would be able to access services and facilities by means other than a private car, this does not justify the conversion of this building to a private dwelling in this location outside a defined settlement.
14. I conclude that the building is not suitable for conversion to a permanent dwelling due to its location. As such, the proposed development would conflict with Policies SP1, CP1, CP8, DM1 and DM2 of the CS and Policy SB1 of the SADMP. These policies, together and amongst other things, seek to guide development to the most accessible and sustainable locations reducing the need to travel, restrict development in the countryside and outside settlement boundaries and requiring conversion schemes to take a sequential approach.

Character and appearance

15. The appeal property is a modestly sized, single-storey building within the grounds of Wick House, a detached property. It is positioned within an area of hardstanding and separated from the host property by a driveway with a hedge beyond. The building sits perpendicular to the host property so that only its gable end is visible through the vehicle access to Wick House and its roof above a hedge which runs along the rear elevation of the building. The wider area is rural in character, predominantly agricultural fields and some limited and dispersed development off the highway.
16. The proposed development would make a limited number of physical changes to the building to enable its conversion to a single dwelling. The plans indicate that a separate area of external space would be provided for the proposed

house whilst the existing access would be retained and shared with the host property. Had I been minded to allow the appeal, I would have imposed a condition requiring the retention of existing hedge screening between the appeal building and both the highway and Wick House to ensure the proposed development remained as unobtrusive in the landscape as it does now. For these reasons, the proposed development would have a very limited effect on the rural landscape.

17. I conclude that the proposed development would not harm the character and appearance of the area. It would therefore not conflict with Policies DM1, DM2 or CP8 of the CS insofar as these seek to protect the rural and open character of the area.

Other Matters

18. There are no farm buildings within close proximity to the site building. The Council has found the size of the proposed dwelling would be satisfactory. I also note that the appellant has indicated that he would provide a suitable external domestic curtilage. However, these factors would not overcome the harm arising from the location of the development.

Planning Balance and Conclusion

19. The proposal would not result in harm to the character and appearance of the area. However, I have found that it would conflict with the Council's policies in terms of its location and that insufficient evidence has been provided to justify a change of use. As a result, the scheme would be in conflict with the development plan. I attach significant weight to this finding which is not altered or outweighed by my conclusions on the other issues. I therefore conclude that the appeal should be dismissed.

Rachael Pipkin

INSPECTOR