The Planning Inspectorate

Appeal Decision

Site visit made on 15 March 2021

by John Wilde CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 9 April 2021

Appeal Ref: APP/R3325/W/20/3262373
Land at Little Upton Bridge Farm, Langport Road, Long Sutton, Langport, Somerset TA10 9NJ

- 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 Gill Rickards against the decision of South Somerset District Council.
- The application Ref 19/02460/FUL dated 15 August 2019 was refused by notice dated 24 July 2020.
- The development proposed is the erection of three detached holiday letting units, parking and associated works.

Decision

1. The appeal is allowed and planning permission is granted for the erection of three detached holiday letting units, parking and associated works at land at Little Upton Bridge Farm, Langport Road, Long Sutton, Langport, Somerset TA10 9NJ in accordance with the terms of the application, Ref 19/02460/FUL, dated 15 August 2019, subject to the conditions contained in the attached schedule.

Main Issues

2. The main issues are whether or not the proposed development:-

   a) Would be disproportionate to the scale of the settlement,

   b) Would be in an accessible location, and also;

   c) The effect of the proposed development on the living conditions of nearby residents, with particular respect to noise and disturbance.

Reasons

3. The appeal site is a paddock/field lying to the south-east of the junction of the A372 and a minor road known as Vedal Drove[1]. The junction effectively forms the western end of the community of Long Sutton, with the main facilities being just over a mile to the east. The site is contiguous with Little Upton Bridge Farm to the east. To the west, beyond Vedal Drove, are open fields. There are two buildings to the south of the site, a machinery and fodder store and a recently constructed agricultural workers dwelling, beyond

[1] Although as I noted on my visit, the actual road name plates say Batts lane.

which are also open fields. Opposite Vedal Drove is a road known as Hermitage Road that has a line of ribbon development stretching northwards.

4. The proposed development would see the insertion of three single storey units of holiday accommodation, with associated parking and an access road from the farm. Each unit would have a large footprint and contain 5 bedrooms, a playroom, snug area, kitchen, dining/lounge area and a spa area.

Proportionality

5. Policy EP4 of the South Somerset Local Plan (2006-2028) (LP) deals with the expansion of existing businesses in the countryside and stipulates a number of criteria. The first of these is that the business has been operating successfully for at least three years and is viable. I have no evidence to show that this is not the case.

6. Secondly, it must be demonstrated that the proposal is needed in this location. In terms of location, the appeal site is contiguous with the existing business. In terms of need, the appellant points to the high levels of occupancy of the existing similar accommodation and the growing demand. The proposed units would also involve a considerable outlay of resources and I consider it unlikely that the appellant would be contemplating such an outlay if they did not consider a need existed.

7. Thirdly policy EP4 requires that the proposal is of a scale appropriate to the location and appropriate to the existing development, although no mechanism is given to measure scale.

8. Having five bedrooms each the three proposed units would be able to accommodate up to 10 visitors each, giving a total of up to 30 extra people. I have been given various estimates as to the size of Long Sutton and to the potential impact of the proposed development in terms of relative numbers. These range from an increase equivalent to 10% of the population of the village if all the new units were to be fully in use as well as the existing accommodation at Little Upton Bridge Farm, to an increase of 2% in the number of units of accommodation in the village. Given that the area derives a considerable portion of its income from tourism, which by its very nature attracts incomers, I am not persuaded that even the greater of the above figures would represent a disproportionate scale, also taking into account that the numbers would be likely to fluctuate with the seasons.

9. Whilst the proposed units would each have a relatively large footprint, there would be space around each one to the sides and front, and the development as a whole would be subject to significant boundary planting such that it would not be obtrusive or harmful to the character of the area. The physical scale of the development would not therefore conflict with policy EP4.

10. Whilst not a reason for refusal I note that several parties have commented upon the appearance of the units themselves, and this relates to criterion 6 of policy EP4. The proposed units would be clad in cedar boarding under grey profiled cladding sheet. With these finishes and their shape they would have the appearance of agricultural buildings and as such in terms of their design

they would not be out of keeping with what could be expected in such a location.

11. The final criterion of policy EP4 is to do with traffic and making sure that the expected nature and volume of traffic generated would not have a detrimental impact on the character or amenity of the area and would not compromise the safety of the road network. The proposed development includes five parking spaces for each unit. These would be set discretely to the rear of the units and the access used would be the same as that already used for the existing business. Whilst I am aware of some concern regarding the access, it is of adequate design and there is no record of accidents at this location. Furthermore, the Council's Highway Consultant has not commented upon the application. Overall, I have no significant evidence that would lead me to conclude that the proposed development should be refused because of conflict with this criterion of policy EP4.

12. In respect of the other criteria associated with policy EP4, the existing business has already reused the available buildings, the appeal site is within the curtilage of the existing business. It follows that there is no conflict with policy EP4.

13. Policy SS2 of the LP makes clear that development in rural settlements will be strictly controlled and limited to various forms of development. One such form is where the development provides employment opportunities appropriate to the scale of the settlement. The existing business provides a range of jobs including cleaners, gardeners, laundry and maintenance staff and the proposed development would create up to 5 further full time equivalents. There would also be knock on effects for a range of other local businesses. I conclude therefore that the proposed development accords with policy SS2.

Accessibility

14. The proposed development would be just over a mile from the facilities available in the village and there is a footway on the northern side of the A372 with streetlights. Notwithstanding this I consider it unlikely, given the distance, that regular trips on foot would be made to these facilities. Nonetheless, the journey by car would be short and I note that electric bikes are available for hire on site. The units are designed to be relatively luxurious and consequently visitors are more likely to be inclined to stay on the site rather than make frequent journeys. Furthermore, the site is only a relatively short journey to the towns of Langport and Somerton.

15. There is a certain tension between sustainability/accessibility and the provision of tourist facilities, which are in many cases provided in countryside locations where visitors wish to stay. This is recognised in paragraph 84 of the National Planning Policy Framework (the Framework) which explains that *planning decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not served well by public transport*. I will return to this matter in my final planning balance.

Noise and disturbance

16. The proposed development is intended to attract groups of visitors. These are generally family groups but I note that stag and hen parties and other groups celebrating occasions are made welcome. This could generate unwelcome noise and I been made aware of concern by a number of local residents. I also note that there have been two recent occasions when complaints have been made. From the evidence before me these were however dealt with in a short space of time. The site would be well screened and I note that there is an 11pm curfew in force. Furthermore the appellant lives within the complex and it seems to me that it is in her best interests, both from her personal point of view, and from those of other guests, to enforce a reasonable level of noise.

17. I am aware that the Council's Environmental Health Officer has raised no objection to the proposed development and that historically, there is no record of complaints. Whilst the odd incident of unacceptable noise cannot be ruled out entirely, it seems to me that it would be unreasonable of me to dismiss the appeal purely on the potential for such occurrences, when the history shows that they are very few and far between. The Council also have powers of enforcement in such matters, should there be a series of future occurrences.

Other matters

18. The appeal site has two Grade II listed buildings in the vicinity and it is incumbent upon me to take into account the effect of the proposed development on the setting of those buildings. The nearest listed building is Upton Cross which lies opposite the appeal site on the far side of the A372. The building is set back from the road with foliage to its front. The Inspector in a previous appeal on the current appeal site concluded that the appeal site forms part of the historic open setting of Upton Cross and contributes to its significance, and I would agree with this assessment.

19. The proposed units differ from those in the previous appeal in that they would be set further into the field, would be lower and less noticeable in terms of their design. Nonetheless, it is likely that the proposed units would be glimpsed, in association with Upton Cross, through the foliage to the north and west of the proposed units in the short term, particularly in the winter. These views would however lessen as the proposed planting in these locations takes hold. In the short term this would cause some harm to the setting of Upton Cross, although in terms of the Framework this harm would be less than substantial. Paragraph 196 of the Framework makes clear that in such cases this harm should be weighed against the public benefits of the proposal, and I will return to this in my planning balance.

20. The other Grade II listed building (Upton Bridge Cottage) is also to the north of the A372 but further to the east and cannot be seen in views along with the appeal site. Consequently there would be no harm to its significance from the proposed development.

Planning balance

21. I have found that the proposed development would not be disproportionate to the scale of the settlement. I have also found that it would not produce significant noise and disturbance. I have however found that there would be less than substantial harm to the setting of a listed building and that the appeal site is not in a particularly accessible location.

22. These latter factors have to be balanced against the benefits of the proposal. These include direct new jobs and benefits to the wider economy through visitor spending in areas such as eating establishments and visitor attractions. These benefits are considerable and are supported by chapter 6 of the Framework, which makes clear that planning decisions should help create the conditions in which businesses can invest, expand and adapt and should enable the sustainable growth and expansion of all types of businesses in rural areas. They also weigh heavily in favour of the economic and social limbs of sustainable development as defined by the Framework.

23. Overall I consider that the social and economic benefits of the proposal outweigh the very minor harm in environmental terms to the setting of Upcott Cross and the fact that the site is not in the most accessible location. There would therefore be no conflict with policy SD1 of the LP which makes clear that the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the Framework and seek to secure development that improves the economic, social and environmental conditions within the district.

24. Nor would there be conflict with policies EQ2 or TA1 of the LP. The former of these requires that development is designed to achieve a high quality that preserves or enhances the character or appearance of the district. The latter requires that all new development provides a range of transport measures including travel information packs, travel plans and facilities for cycle parking.

Conditions

25. The conditions I have imposed are as suggested by the Council and agreed by the appellant. As the application has been determined on the basis of holiday accommodation, I have imposed a condition to ensure that the units are not occupied on a permanent residential basis. In the interest of the final appearance of the development I have imposed conditions relating to external surface materials, a planting regime and the protection of existing trees during the construction process, as well as a condition removing permitted development rights for extensions or alterations to the allowed buildings.

26. To ensure highway safety I have imposed conditions that will ensure that visibility when leaving the site is unimpaired and that the areas within the site designated as parking and turning areas shall be retained as such. To support sustainability I have imposed a condition requiring one electric vehicle charging point at each of the allowed units. To prevent flooding and ensure that no groundwater enters the foul drainage network I have imposed conditions requiring details of the proposed drainage systems to be submitted to and approved by the Council.

27. For the protection of bats I have imposed a condition requiring details of external lighting systems. Similarly, for the protection of reptiles and amphibians I have imposed a condition that requires that existing rubble piles and other areas shall be dismantled by hand. To protect nesting birds I have imposed a condition that no vegetation is removed between 1 March and 31 August. To further biodiversity I have imposed a condition requiring the submission and subsequent approval of a Biodiversity Mitigation and Enhancement Plan.

28. Finally, for certainty I have imposed a condition detailing the drawings that were submitted with the application.

Conclusion

29. In light of my above reasoning and having regard to all other matters raised, I conclude that, overall, the proposed development can be construed to be sustainable development and that therefore the appeal should be allowed.

John Wilde

INSPECTOR

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: 1393 – 01A location plan, 1393 – 05G proposed site plan, 1393 – 08B proposed elevations, 1393 – 06B floor plan, 1393 – 07A section.

3) The accommodation hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of owners/occupiers of the accommodation provided, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

4) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those detailed on the approved plans, with the colour and finish to match that used on the existing unit known as the Pictureworks (permitted under planning permission 14/04506/FUL), unless otherwise agreed in writing by the local planning authority.

5) The planting scheme, as detailed on the drawing titled 'Proposed Landscape Site Plan' and numbered 1393-09, shall be carried out in the first dormant planting season (November to February inclusively) following the commencement of any aspect of the development hereby permitted. Any trees or plants which within a period of twenty years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the Local Planning Authority.

6) No development shall take place, including site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, until a scheme of tree protection measures, including tree protection fencing and signage, has been prepared, installed and made ready for inspection. The locations and suitability of the tree protection measures shall be inspected by the Tree Officer and confirmed in-writing by the local planning authority to be satisfactory prior to commencement of the development. The approved tree protection requirements shall be implemented in their entirety for the duration of the construction of the development.

7) No development shall take place until details of the surfacing of the section of track that connects the existing parking area located within the northeast corner of the site to Unit 1 has been provided and approved in writing by the local planning authority. Such details shall include measures that will protect the roots of trees growing within this area. The track shall be constructed in complete accordance with the approved details prior to any site clearance or construction works being undertaken on the wider site.

8) There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending

to points on the nearside carriageway edge 43.0 metres in either direction. Such visibility shall be fully provided before the development hereby permitted is first occupied and shall thereafter be maintained and retained at all times.

9) The areas allocated for parking and turning on the approved plans shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

10) At least one charging point for electric vehicles of at least 16 amps shall be provided for each unit of holiday accommodation hereby permitted. The charging points shall be provided prior to the first occupation of the associated holiday unit.

11) Before any foul drainage pipework is installed, the details of that system and how it will be implemented to ensure it results in a sealed system, must be submitted to and approved by the Local Planning Authority. The system must be installed entirely in accord with the agreed details.

12) Surface water drainage details to serve the development shall be submitted to and approved in writing by the local planning authority. Such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

13) Prior to occupation, a "lighting design for bats", following Guidance note 8 - bats and artificial lighting (ILP and BCT 2018), shall be submitted to and approved in writing by the local planning authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

14) No development shall take place until any features such as stone and rubble piles which potentially afford resting places for reptiles or amphibians have been dismantled by hand by a competent ecologist in April or August to October and any individuals found translocated to a location agreed with the local planning authority prior to works commencing on site.

15) No vegetation removal works around the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of any trees, shrubs, scrub and tall ruderal vegetation to be cleared or cut back for active birds' nests immediately before works proceed and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

16) A Biodiversity Mitigation and Enhancement Plan (BMEP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the BMEP shall include the following:

a) 1 x Build-in WoodStone Bat Box, or similar, to be installed on the southern and/or western elevation of the new dwelling, at a height of over 3m.

b) 2 x integrated bee bricks, or similar, must be built into the external wall space of the new building. The bricks will be placed one meter above ground level on a south facing aspect, vegetation must not block the entrance holes. Solitary bees are harmless and do not sting.

c) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgerows into and out of the site.

d) All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native.

e) 1x 1SP Schwegler Sparrow Terrace (https://www.nhbs.com/1sp-schwegler-sparrow-terrace?bkfno=185100), or similar, will be fitted high (at least 4-5m above adjacent ground level), under the eaves and away from any windows on an north or east facing elevation of the dwelling.

f) 1 x log pile for hibernating common reptiles/amphibians to be created on the southern boundary of the garden

g) 3 x new native trees to be planted which will benefit pollinators, selected from 3 of the following: wild cherry, lime, hazel, field maple, hawthorn, common whitebeam and rowan.

h) 2 x reptile habitat piles, comprised of stacked branches and logs within the sites boundary.

The requirements of the approved BMEP shall be carried out in full prior to the development being first occupied.

17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions or alterations to the buildings hereby permitted and no outbuildings erected within the site area without the prior express grant of planning permission.