
Appeal Decision

Site visit made on 12 April 2021

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2021

Appeal Ref: APP/V3310/W/20/3262059

First floor flat at Unit A, Winchester Farm, Draycott Road, Cheddar, Somerset BS27 3RP

- 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 Ashley Hann against the decision of Sedgemoor District Council.
 - The application Ref 17/20/00016, dated 4 March 2020, was refused by notice dated 29 April 2020.
 - The development proposed is the retention of existing first floor flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (1) whether this is an appropriate location for a dwelling, (2) the effects on the loss of employment building space, and (3) the effects on living conditions of occupants of the flat.

Reasons

Location of Development

3. The site is located within a business park, with the flat in Unit A already existing and occupied since approximately 2016. Whilst the site is not far from Cheddar it is physically separated to the south of this town. The site is part of a farm which has been diversified, but although developed extensively it is within the countryside rather than in a settlement.
4. As set out by the Council, the thrust of Development Plan policies is for new housing to be focussed on existing sustainable settlements. Policy S2 of the Sedgemoor District Local Plan requires a minimum of 276 dwellings in the countryside, although it also states that new development would be appropriately controlled, reflecting issues such as access to key services and sustainable transport options. It does, however, state that development of dwellings in the countryside could be where such a location is essential, or where there is the appropriate re-use of 'brownfield' sites.
5. Further to the above, policy CO1 requires that countryside development focus on locations which are sustainable. This policy does allow for some development in the countryside where it would help maintain the vitality of

local communities and support the rural economy. Policy CO3 relates to 'brownfield' sites in the countryside, which does allow for mixed use or residential uses in some circumstances, where the site is "reasonably well related to an existing town or Tier 1-4 settlements" and provide opportunities to promote sustainable means of travel, for example.

6. In this case, the business park is near to Cheddar, but it does not relate particularly well to the town as it is separate and there is a significant walk to the southern edge of Cheddar and further again to its centre. The location of the site is not isolated, but in terms of sustainable transport, from the evidence provided there is minimal public transport options. Furthermore, the A371 also does not appear conducive for pedestrians, with sections with no footway, with grass verges instead.
7. It is my opinion that although this is an existing business park and 'brownfield' land, the circumstances are not appropriate for a new dwelling as occupants would not be within reasonably easy access to key services and facilities, and would be very dependent on private car use for most trips. In this regard, the proposal would be contrary to policies S2, C01 and CO3 of the Sedgemoor Local Plan 2011-2032.
8. It is, however, acknowledged that there is consent through the prior approval process (ref: 17/18/00085 – Appeal Ref: APP/V3310/W/18/3219052) for a new dwelling within the site, with the appellant offering through legal agreement to rescind this consent if there is a new permission for use of the first floor in Unit A as a flat. As such, there would be no additional dwelling to this valid fallback position. I shall come back to this issue in the later planning balance.

Employment Land

9. Within the Local Plan policy D16 seeks to protect employment land and buildings. From what I observed on site, this is a thriving business park. The ground floor of Unit A and from what I could see at Unit B appear to be occupied by businesses. There is no substantive evidence before me that indicated that the first floor of Unit A could not be let out for a viable commercial use.
10. However, it is clear from the appellant's submission that there is little difference between the loss of the Farm Office to a flat, as he has consent already, and the loss of the first floor in Unit A, as they are relatively similar in size and both currently having authorised commercial planning uses. It does appear likely that as a fallback position the Unit A first floor would be used as the farm office to allow the other building on site to implement its consent to convert to a residential flat.
11. As such, there would be the loss of potential employment floor area within Unit A, which would be contrary to policy D16 of the Local Plan. However, the fall back is a significant material consideration which would likely mean that any overall loss of employment floor space would be minimal and therefore not harmful to the business operations of the overall business park.

Living Conditions

12. The proposed retention of the first floor of Unit A for a flat would mean the continuation of a dwelling in what is a business park. This is clearly not a common setting for a dwelling. However, this is for occupation of a

- caretaker/security guard under the employment of the business park. I would consider there to be some justification therefore for a dwelling in the business park in these circumstances.
13. Whilst there may be some justification for a dwelling for the caretaker/security guard, the location of the flat is not one which is conducive for good quality living conditions. There would be no private amenity space for the occupants. There is a landscaped area adjacent to Unit A, but this is not a private area. However, I do note that there would be no amenity space for the farm office conversion.
 14. Unit A is in part of the overall site where there appears to be the main cluster of commercial units (more than the Farm Office site). It is not clear whether some of these units are being used for general industry or light industry, but such a location appears inappropriate for people to live in, when considering their living conditions. For instance, the adjacent units would result in some degree of noise, traffic movements from the access very near the front of Unit A, and other related activities that would likely diminish the living quality of occupants of the flat. I am not satisfied that the fact that there is double glazing and that the bedrooms are in the rear of the first floor flat are sufficient mitigation in these circumstances.
 15. Furthermore, Unit A is within a building which already contains commercial units. It may be that these would not come under a B2 use class, but even uses coming under B1 and B8 could result in significant noise, vibration and disturbance, especially as they are all in the same building. There is no substantive evidence to demonstrate that the occupier is not/would not be adversely affected by being in part of a building with other industrial uses, even if these were not to be B2 class.
 16. As such, even if it was accepted that there was justification for a dwelling at this site, it is my view that the industrial setting of the Unit A flat would result in a poor quality of living conditions. The fact that the present occupant has not complained is noted, but it is my opinion that even as an employee of the business park the living conditions should be of a better quality. I would agree, however, that any issues for the occupier of Unit A would unlikely lead to a complaint that would result in constraints of business activities within Winchester Farm.
 17. I note that there has been no objection from the Council Environmental Health Officer, but these are my conclusions based on the evidence and my on-site observations.
 18. There is the consented dwelling at the farm office within the site, but it is clear that the Inspector that allowed the appeal considered the potential noise and disturbance in detail. There was also the legal agreement to cease any use of adjacent buildings for go-carting, for instance. Whilst I acknowledge that someone being employed by the business park would not necessarily expect the same level of amenity as in normal circumstances, for the flat at Unit A it is my view that the living conditions provided would be below the quality that should be expected even in these circumstances. From the appeal at the Farm Office, it is apparent that the Inspector found that the living conditions of future occupiers would not be unacceptably affected, which is a clear difference from the Unit A proposal.

19. As such, I consider that the proposed continued use of the flat in Unit A provides inadequate living conditions for occupiers and so would be contrary to policy D25 of the Sedgemoor Local Plan 2011-2032. This policy seeks to require development to provide acceptable residential amenity for existing and future occupiers, amongst other things.

Planning Balance

20. The proposal would provide a dwelling on site which would provide accommodation for the site security/caretaker employee. It is positioned near the access which has benefits from a security perspective. Having this employee on site also aids the business park as a whole, which has a significant employment and economic benefit to the area.
21. However, the site is not in an accessible location and is remote from Cheddar, being the nearest settlement. The living conditions provided by this flat would also be below acceptable standards in my view. I have found that the proposal is contrary to the aforementioned development plan policies in this regard.
22. The appellant has the fallback position of the permission to convert the farm office to a dwelling within the site. The appellant has, through legal agreement, stated that they will rescind this consent if there is a new permission for residential use of the first floor in Unit A as a flat. This would mean that there would be no additional dwelling within the site. I would regard this as a significant fallback position with there being no reason to believe that this extant consent would not be implemented if this appeal were dismissed.
23. In this regard, as there would be no net gain of dwelling, this significantly reduces the harm that would result from the lack of a sustainable location for the proposed retention of the dwelling at Unit A. This is because the location of the farm office is in much the same type of location with regards to accessibility and distance to key services, for example.
24. However, having considered the information relating to the consent for the farm office to be converted to a flat, I would regard this as a significantly preferable location for a dwelling than at Unit A. As described by the Inspector for this case at the farm office, the living conditions would be acceptable, especially with the legal agreement in place to cease any go-carting activity. The flat at Unit A, from the evidence before me and also my observations on site, is in a location where it would provide substantially less quality of living condition, being within a building with other commercial/industrial units, with a large cluster of other units nearby. The position of Unit A adjacent to the access would also mean that for most days it would likely have more passing traffic than at the farm office location.
25. For this reason, the fallback consent is not fully comparable as it would result in a preferable and acceptable level of living condition standards for occupiers, which the flat at Unit A cannot provide. On this basis, the fallback position is not a material consideration that outweighs the harm to living conditions and the associated conflict with policy D25 of the Sedgemoor Local Plan 2011-2032.

Conclusion

26. For the reasons set out above and in considering all matters raised, the appeal should be dismissed.

Steven Rennie

INSPECTOR