



Appeal Decision

Site visit made on 5 May 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2021

Appeal Ref: APP/D3315/W/20/3264558

Park End Lodge, West Bagborough Road, West Bagborough, Taunton TA4 3DU

- 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 Ms Michelle Lyons against the decision of Somerset West and Taunton Council.
 - The application Ref 06/20/0017, dated 11 November 2019, was refused by notice dated 9 November 2020.
 - The development proposed is the change of use of part of a domestic garden store into A5 take away outlet.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of part of a domestic garden store into A5 take away outlet at Park End Lodge, West Bagborough Road, West Bagborough, Taunton TA4 3DU in accordance with the terms of the application Ref 06/20/0017, dated 11 November 2019, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the suitability of the site for the proposal, having regard to (i) the effect on the landscape and scenic beauty of the Quantock Hills Area of Outstanding Natural Beauty (the AONB) and (ii) the accessibility to services.

Reasons

3. The site comprises a store and adjacent land in the domestic grounds of Park End Lodge, set within open countryside in the AONB. The store is close to a vehicular access serving the dwelling off West Bagborough Road. The National Planning Framework (the Framework) provides that Areas of Outstanding Natural Beauty have the highest status of protection in terms of landscape and scenic beauty, the conservation of which is afforded great weight.
4. In the open countryside, Policy DM2 of the Taunton Deane Core Strategy 2011-2028 (adopted 2012) (the TDCS) supports the provision of tourist and recreational facilities provided that increased visitor pressure would not harm the natural and man-made heritage of the area. Amongst other things, Policy CP1 of the TDCS states that proposals should reduce the need to travel through locational decisions and avoid adverse impacts through traffic generation.
5. The operation would be of a very small scale. As such, in practice it is most likely to be little more than a roadside convenience for people already with reason to be in the vicinity, rather than act as a draw for any significant increase in visitor pressure. Indeed, I gather from interested parties that a previous café in the area has been lost through fire. On this basis, it appears

- probable that the outlet would meet an existing locational demand and may well reduce the incentive for people to travel further afield for food and drink.
6. Even so, there would be greater footfall to the site which, together with the trappings of its new use, would inevitably alter its character and appearance. However, whilst this part of the AONB is overtly rural, the site is already manmade and domestic in character and much of the store and surrounding space are highly screened by Park End Lodge's roadside boundary hedge bank.
 7. It is logical, given that the outlet would provide takeaway products, that customers would not spend prolonged periods on site. On this basis, the site is of an adequate size to accommodate necessary onsite parking for motor vehicles and bicycle storage, the provision of which would also ensure that parking along the adjacent highway could be all but avoided. For these reasons, with the detailed specification of onsite parking, bicycle storage, litter bins and seating secured by conditions, the operation of this modest outlet would not challenge the AONB's landscape and scenic beauty.
 8. Moreover, whilst I recognise the potential harm that could be caused by future signage, the type of advertisement likely to have a deleterious impact upon the AONB would require express consent pursuant to the relevant Regulations¹. With regard to adverse light pollution emanating from the site, this can be resolved through a condition restricting the opening hours of the business.
 9. The Council has also referred to the absence of toilet facilities and the potential for littering off site. However, these are pervasive issues which are not specific to this proposal, and which it seems to me would pose the same potential problems if people were to bring alternative food and drink into the AONB.
 10. I therefore conclude that the site would be suitable for the proposal, having regard to the effect on the landscape and scenic beauty of the AONB and the accessibility to services. It would accord with the relevant aims of Policies CP1, CP8, DM1 and DM2 of the TDCS and the Framework.

Conditions

11. In addition to the standard time condition, it is necessary to define the approved plans in the interest of certainty. The proposal would make use of the existing access, which is fairly set back from the carriageway, with users therefore afforded adequate visibility on to a quite straight section of West Bagborough Road. Whilst a condition is necessary to ensure that the existing visibility at the access is not restricted, I do not consider it essential for a condition to require additional works to extend the existing splay. Given that hot food takeaways (formerly Use Class A5) are now sui generis, it is not necessary for a condition to restrict the use of the proposal to that approved.

Conclusion

12. For the reasons outlined above and taking all matters raised into account, I conclude that the appeal should be allowed, subject to conditions.

Matthew Jones

INSPECTOR

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Schedule of Conditions

- 1) The development hereby permitted shall be begun within three years of the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, PEL04 Rev 0, PEL05 Rev 0, PE010 Rev 0.
- 3) The use hereby permitted shall only take place between the following hours: 09:30 – 15:30 Mondays – Sundays.
- 4) The development hereby permitted shall not be first brought into use until a plan identifying the location and specification of onsite parking for motor vehicles and bicycle storage has been submitted to an approved in writing by the Local Planning Authority. The parking and storage areas shall be developed in accordance with the approved details and thereafter used and retained for the parking of motor vehicles and the storage of bicycles and for no other purpose.
- 5) There shall be no obstruction to the existing visibility splays at the access on to West Bagborough Road.
- 6) Before the use hereby approved commences, a plan showing the location of litter bin(s) and seating shall be submitted to and approved by the Local Planning Authority. The approved bin(s) and seating shall be sited prior to the first use of the outlet and retained in their approved form.