



Appeal Decision

Site visit made on 17 November 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2021

Appeal Ref: APP/W3330/W/21/3280061

Anstey Farm, Hawkwell Lane, Brushford, TA22 9RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Hugh King-Fretts against the decision of Somerset West and Taunton Council.
 - The application Ref 3/09/20/003, dated 1 November 2020, was refused by notice dated 17 February 2021.
 - The development proposed is x 2 holiday lodges / log cabins on site of x 2 former free range poultry houses.
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Decision

1. The appeal is allowed and planning permission is granted for x 2 holiday lodges / log cabins on site of x 2 former free range poultry houses at Anstey Farm, Hawkwell Lane, Brushford, TA22 9RU under the terms of the application Ref: 3/09/20/003, dated 1 November 2020, and in accordance with the conditions in the attached schedule.

Application for Costs

2. An application for costs was made by Mr Hugh King-Fretts against Somerset West and Taunton Council. This application is the subject of a separate decision.

Procedural Matters

3. The planning application was made in outline with all matters aside from access reserved. I assessed the appeal as such, taking reference from drawing Ref: 055.20.001 on an illustrative basis.

Main Issue

4. The main issue is the suitability of the site for the proposal, having regard to the development plan's approach to the delivery of tourism development.

Reasons

5. Anstey Farm occupies a rural location to the east of the small settlements of East Anstey and West Anstey. The local road network is very basic as it is largely single track, unlit, devoid of dedicated pedestrian space, and turns and weaves across the area's topography.
6. Policy EC9 'Tourism outside of settlements' of the West Somerset Local Plan to 2032 (adopted 2016) (WSLP) supports new tourism development within the open countryside under certain circumstances. These are: where it can be demonstrated that its location is essential to the business and the proposal could not be located elsewhere; when the scheme does not adversely affect the

vitality and viability of neighbouring settlements; and where it complements the existing tourism provision of those settlements and the surrounding area without generating new unsustainable transport patterns.

7. The construction of the first criterion of the policy leaves room for interpretation. In my view, the criterion relates to the physical location of the proposed development in relation to, in this case, the holding at Anstey Farm. I see nothing in its wording that translates to a requirement for a business case to be made nor for the tourism use to comprise rural diversification, which is a subject directly addressed by a different policy within the WSLP.
8. The respective locations for the proposed holiday lets comprise flat areas within the holding. They appear to already benefit from connections to utilities associated with the poultry houses and are accessed by established tracks. On this basis, I have no reason to conclude that it is not essential for the business that they are sited where they are proposed. Given that this scheme is for a modest quantum of two holiday lets, there is no evidence that the vitality or viability of East and West Anstey would be adversely affected.
9. These settlements contain little in the way of facilities, and those they do have are largely not for leisure as such. Whilst Dulverton, with its more extensive breadth of services, is fairly close by, the intervening highway network is as basic as that around the site, and I am also not aware of any public transport serving this area. It is clear, on this basis, that occupants of the holiday lets would be almost entirely dependent on travel by the private motorcar.
10. However, existing tourism facilities are commonplace within this area, despite its remoteness, likely owing to the proximity to Exmoor and the Exe Valley. The scheme would therefore complement this existing provision and would modestly augment the existing transport pattern associated with these facilities, as opposed to creating a new pattern of travel itself. For these reasons, the proposal would find the support of Policy EC9.
11. The dependency of future tourists on private motor travel would, however, bring the scheme into conflict with Policy TR2 insofar as it seeks to reduce reliance on the private car and maximise the attractiveness of other transport modes. Policy OC1 of the WSLP precludes development in the countryside unless there are certain circumstances. Given that new build tourism development is not listed as one such circumstance, the scheme would conflict with this policy. The policy does refer to an economic and functional test for new dwellings, but this is only in relation to dwellings which are applicable to the circumstances that it lists.
12. However, the WSLP clearly envisages and supports the provision of tourism development in rural locations, as articulated by the title and content of Policy EC9. The transport test set by Policy EC9 concerns the generation of new transport patterns, not the stricter test of reducing car use. This is rational because tourism development is often drawn to scenic rural locations which regularly have limited access to services. I am also mindful that Policy EC9 presents the WSLP's bespoke policy expression on the subject of rural tourism.
13. As such, I consider the dominant policy in respect of this appeal to be Policy EC9, and I attach significant weight to the accordance of the scheme with it. The conflict that would arise with Policies OC1 and TR2 attracts considerably less weight in my judgment. This leads me to conclude that the site would be suitable for the proposal, having regard to the development plan's approach to

the delivery of tourism development. Despite the conflict with Policies TR2 and OC1, the scheme would accord with the development plan when read as whole.

Conditions

14. In the interest of the character and appearance of the area, it is necessary to ensure that finish materials are submitted to and agreed by the Council prior to their installation. Conditions are also required to ensure that the holiday lets are used solely for that purpose, and to deliver biodiversity net gain. Given the potential for bats to be present at Anstey Farm, it is essential that the specification of any external lighting is prior agreed with the Council. It is also necessary in the interest of highway safety that space for motor vehicle turning and parking is set out within the site and retained to ensure that vehicles can return to the highway in a forward gear. In the interest of flood and pollution prevention, it is necessary that foul and surface water drainage details are also prior agreed with the Council prior to the first use of the holiday lets.

Conclusion

15. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be allowed.

Matthew Jones

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan A4; Location Plan and Block Plan 1:1250 scale.
- 4) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.
- 5) The holiday lodges / log cabins shall be occupied for tourism purposes only and not as a person's sole or main residence. The site operator or owner shall maintain an up-to-date register of the names of all owners/occupiers of the individual holiday lodges / log cabins on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable times to the Local Planning Authority.
- 6) Prior to the installation of external lighting, a "lighting design for bats" 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) to demonstrate 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 retained as such thereafter. No other external lighting shall be installed.
- 7) The following will be integrated into the design of the holiday lodges / log cabins: A bat box will be mounted on a side elevation of the holiday lodges/log cabins (one on each cabin) and maintained thereafter; a bee box will be attached to a wall approximately 1 metre above ground level on the holiday lodges/log cabins (one on each cabin) and maintained thereafter.
- 8) Prior to occupation of the holiday lodges / log cabins, works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained in that form.

The development hereby approved shall not be occupied until space has been laid out, drained and surfaced within the site in accordance with the approved plans for the parking, turning, loading and unloading of vehicles, and such areas shall not thereafter be used for any purpose other than the parking, turning, loading and unloading of vehicles.