



Appeal Decision

Site visit made on 1 December 2021

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2022

Appeal Ref: APP/F9498/W/21/3280583

39 West Street, Dunster, Minehead, Somerset TA24 6SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr David Hall against the decision of Exmoor National Park Authority.
- The application Ref 6/10/21/119, dated 6 May 2021, was approved on 1 July 2021 and planning permission was granted subject to conditions.
- The development permitted is proposed widening of opening in barn attached to dwelling to enable pedestrian access and storage. Resubmission of refused application 6/10/20/109. Retrospective.
- The condition in dispute is No 2 which states that: The north facing wall of the application building, i.e. the elevation wall facing the A39/West Street, shall be reinstated to its former condition with matching sand stone within 6 months of the date of failure to meet the following requirement: Within 3 months of the date of this decision, the pillar proposed to be installed within the opening that has been created within the north facing elevation of the building, shall be constructed and installed in accordance with the approved plans.
- The reason given for the condition is: To safeguard the highway safety of the National Park in accordance with Policies AC-S2 and AC-D2 of the Exmoor National Park Local Plan 2011- 2031.

Decision

1. The appeal is allowed and the planning permission Ref 6/10/21/119 for proposed widening of opening in barn attached to dwelling to enable pedestrian access and storage. Resubmission of refused application 6/10/20/109. Retrospective at 39 West Street, Dunster, Minehead, Somerset TA24 6SN granted on 1 July 2021 by Exmoor National Park Authority, is varied by deleting condition 2 and substituting for it the following condition:
 - 2) The works carried out, as shown on the approved drawings listed in condition 1, shall be hereby retained.

Preliminary Matter

2. I observed during my site visit that the proposed works to install a timber pillar within the opening fronting the A396 (West Street) had been completed. I have dealt with the appeal on this basis.

Main Issue

3. The main issue is whether the condition is reasonable in the interests of the safety of users of the adjacent highway.

Reasons

4. The Inspector, in an earlier appeal (Ref: APP/F9498/D/20/3262039) found that the widening of the barn's opening facing the A396 (West Street) would allow it to be used for the parking of vehicles which would have a harmful effect on highway safety. The appeal was dismissed.
5. Subsequently, the appellant sought permission to retain the open front of the barn but to erect a timber pillar in the centre of the 3.6m wide opening to prevent the barn's use for the parking of vehicles. The local planning authority accepted that this would overcome the concerns about highway safety and granted planning permission, imposing a condition requiring the work to install the pillar to be carried out before 1st October 2021.
6. The appellant does not dispute the need for a condition requiring the installation of the pillar (and this is borne out by the fact that when I visited the site, the work had been completed) but considered the time period imposed by the local planning authority was too short.
7. Given the conclusions of the previous Inspector and what I observed during my site visit, I am satisfied that it is necessary to restrict the width of the opening to the barn and prevent its use for vehicles, who would be manoeuvring onto the highway with extremely restricted visibility, resulting in harm to highway safety. The timber pillar achieves this.
8. Given my findings on this point, I also conclude that in order for this to be achieved in the long term, it is necessary to require the retention of the works which have been carried out. Condition 2 only requires the implementation of the approved works and not their retention. S79(1) of the Town and Country Planning Act 1990 allows an Inspector to deal with the application as if it had been made to them in the first instance. Therefore, I am permitted to add any conditions as I see fit.
9. Subject to the imposition of a condition requiring the retention of the works, I am satisfied that the proposal complies with Policies AC-S2 and AC-D2 of the Exmoor National Park Local Plan 2011-2031 which seeks to take account of, and prevent development, which would prejudice road safety interests.

Conclusion

10. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be allowed and condition 2 should be deleted and replaced with revised wording as set out above.

Alison Fish

INSPECTOR