



Appeal Decision

Site visit made on 1 February 2022

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2022

Appeal Ref: APP/W3330/W/21/3282280

1 Taunton Road, Bishops Lydeard, Taunton TA4 3BN

- 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 and Mrs Mark Green Sims against the decision of Somerset West and Taunton Council.
 - The application Ref 06/21/0024, dated 29 May 2021, was refused by notice dated 13 August 2021.
 - The development proposed is change of use of vacant shop premises to domestic accommodation and alterations to former shop front.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. My attention has been drawn to the Council's Technical Note: Policy Guidance for change of use of rural service provision and conversion of existing buildings. I have had regard to this insofar as it is relevant to the appeal.

Main Issue

3. The main issue is whether the proposal would result in the unacceptable loss of an essential community facility.

Reasons

4. The appeal proposal involves the conversion of the former commercial floorspace to provide extended residential accommodation which occupies the remainder of the building. I understand that the appeal premises were formally a post office and shop with residential accommodation which closed in the autumn of 2020. Since that date, the premises has remained closed and no alternative post office operates from Bishops Lydeard.
5. Policy SP1 of the Adopted Taunton Deane Core Strategy 2011-2028 adopted September 2012 (CS) identifies Bishops Lydeard as a 'major rural centre' to provide essential facilities for rural communities and an appropriate balance of housing, employment and other local services. Policy CP3 of the CS seeks to prevent the loss of rural services where it would damage the vitality and viability of a settlement or increase car travel unless it can be proven to be unviable for re-use for local service provision.
6. This is consistent with paragraphs 84 and 93 of the National Planning Policy Framework (the Framework) which seek to retain valued local services and

guard against their unnecessary loss particularly where it would reduce the community's ability to meet its day-to-day needs.

7. Policy C4 of the Taunton Deane Adopted Site Allocations and Development Management Plan adopted December 2016 (DMP) sets out the areas (criteria a) – d) inclusive) where evidence will be required to support and justify proposals for the loss or change of use of existing community facilities.
8. Criteria a) requires evidence to show there is no longer a community need for the facility. My attention has been drawn to the range of shops, services and community facilities currently on offer in Bishops Lydeard and this includes two public houses, a paper shop and general store and an existing Co-op food store. The Council have not challenged this evidence or indicated that there is any deficiency in local provision. Indeed, there does not appear to be any dispute between the main parties that some of the services which were offered by the post office are now offered by other businesses in the area, other services can be obtained online and that there is a regular bus service to a nearby post office which takes 14 minutes. I have not been provided with details of services which were offered at the post office which cannot be accessed elsewhere in the local area.
9. However, whilst it would appear that Bishops Lydeard is well served by businesses offering similar services and there is an alternative post office facility which is accessible by bus, neither of these represent evidence which demonstrates that there is no longer a community need for the facility. Indeed, the indication that a post office facility may be provided within the Co-op foodstore which is to be constructed on Taunton Road suggests the opposite. As a result, I am not satisfied that there is no longer a need for a post office facility within the village.
10. With regards to criteria b) and demonstrating that the facility is no longer viable, the appellant has provided copies of the 'Trading and Profit and Loss Account'. The appellant advises that the premises were refurbished in 2017 and despite this, the submitted accounts demonstrate a declining income. I accept that they show a declining income for the post office element. However, the information provided shows a substantial increase in income generated by sales in 2020 and even if the Covid grant was excluded, income would still be above 2018 and 2019 levels. I accept that overall, the accounts indicate a decline in profit but they are not accompanied by an explanation of some of the significant figures contained therein such as the cost of purchases and a 'goodwill' payment made.
11. I have been provided with evidence that Post Office Limited sought to advertise a vacancy for a post office service in Bishops Lydeard on their website but received no interest or formal applications for the position. The appellant indicates that the lack of interest demonstrates that a post office use is unviable but I cannot draw the same conclusions from the limited information I have been provided with. On the basis of the information I have before me, I am not satisfied that it has been sufficiently demonstrated that the business was unviable.
12. Criteria c) and d) require that the premises could not be put to another use or that replacement facilities are provided within the vicinity to meet the needs of the local population. I accept that the post office element of the business may not have been within the appellants control but there has been no active

marketing of the premises for any other use. I note that a local estate agent confirms that there is a lack of demand for commercial premises in the village but there has been no attempt made to test the market and therefore I am not convinced that a sufficient or exhaustive marketing exercise has taken place to find another use for the premises. Equally, given that the Co-op store on Taunton Road which may provide a post office service has yet to be constructed, a replacement facility has not been provided in the vicinity as required in criteria d).

13. On the evidence that is before me, I am not satisfied that there is no longer a community need for the facility, that it is no longer viable and that the appeal site could not be put to another community use. As such, I find that the proposal is contrary to Policy CP3 of the CS, Policy C4 of the DMP and paragraphs 84 and 93 of the Framework insofar as the proposal would result in the unacceptable loss of a community facility.

Other Matters

14. The appeal site is located within the Bishops Lydeard Conservation Area. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The external alterations to the property would be limited to replacement windows and the provision of a lean-to roof over the existing shopfront which are similar to those already on the building. The scope of these works is limited and as such I find that they would preserve the character and appearance of the conservation area.
15. Section 66 (1) of the same Act requires that I have special regard to the desirability of preserving listed buildings and their setting. Farrington Farmhouse is a grade II listed elongated farmhouse under a thatched roof. It is located roughly opposite the appeal site on the junction with the main road through the village. It is set back from the road, as is the appeal site. Given the limited works proposed at the appeal site, and the relative positioning of the two buildings I find that there would be no harm to the listed building or its setting.
16. The appeal property is located within the catchment of the Somerset Levels and Moors Ramsar site. As I am dismissing the appeal, an appropriate assessment under Regulation 63 of the Habitats Regulations 2017 in terms of the impact of the proposal on the Ramsar site is not required.
17. The parking provision at the site remains unchanged as part of this proposal and as such is not relevant to my consideration of this appeal.

Conclusion

18. 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 dismissed.

Alison Fish

INSPECTOR