



Appeal Decision

Site visit made on 1 March 2022

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 16 March 2022

Appeal Ref: APP/W3330/W/21/3281786

The Blade Mill, Woodford Road, Monksilver TA4 4HW

- 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 Alex McTaggart against the decision of Somerset West and Taunton Council.
 - The application Ref 3/24/21/005, dated 7 June 2021, was refused by notice dated 10 August 2021.
 - The development proposed is the conversion of garage to form replacement dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of garage to form replacement dwelling at The Blade Mill, Woodford Road, Monksilver TA4 4HW, in accordance with the terms of the application, Ref: 3/24/21/005 dated 7 June 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. In the interests of accuracy and consistency, in the banner heading above I have used the original description of development and the original appeal site address, which were included on the planning application and on the Council's decision notice.

Main Issue

3. The main issue in this appeal is whether the proposed development would be in an appropriate location for residential development, in the context of the development plan and national policy.

Reasons

4. The appeal site is located in a small hamlet and comprises land and buildings to include a reasonably substantial garage workshop and a modestly sized dwelling constructed in sandstone. The evidence before me indicates that the modestly sized dwelling is a former water powered mill which operated as a cider press.
5. The appeal proposal seeks the conversion of the garage workshop to a residential dwelling, with the existing dwelling which comprises the mill building being used as ancillary accommodation. The planning application provides that only minor alterations would be made to the garage workshop to facilitate the conversion and that no external works are proposed to change the existing dwelling into ancillary accommodation.

6. Policy OC1 of the West Somerset Local Plan to 2032 (November 2016) (the Local Plan) concerns open countryside development. Whilst the appeal site is located within a settlement, the evidence before me confirms that the site is not located within one of the district's main centres or rural service centres, nor would be located within a primary or secondary village and is therefore considered to be in the countryside.
7. Whilst it is acknowledged that the appeal site is located within the countryside for the purposes of local planning policy and where development is restricted, the appeal scheme would not result in an additional dwelling and, in my view and consistent with the Council's submissions, would not result in harm to the character and appearance of the area nor would adversely affect the landscape and scenic beauty of Exmoor National Park. Whilst it is noted that the Appellant disputes that the mill building is a non-designated heritage asset (NDHA), by reason of its age, traditional form and scale and given its historic association and significance to the settlement and its inclusion within the Somerset Historic Environment Record, in my view the building would represent a NDHA. In this regard, the proposed minor alterations to the garage workshop would not be harmful to the NDHA, and no alteration to the form or external appearance of the mill building would be made.
8. The Council have put it to me that the proposal would result in a new dwelling within the countryside. In this respect, it is clear that the appeal scheme would not result in the net gain of dwellings at the site, with the proposed converted garage workshop and the proposed ancillary accommodation forming a single planning unit.
9. The ancillary accommodation provided within the mill building would function as an extension to the living accommodation proposed within the existing garage. Future occupants of both buildings would share a single point of access, the parking area within the site and would share use of the existing garden amenity area. The proposed ancillary accommodation would be subservient in terms of scale and appearance to the proposed main residence.
10. It is acknowledged that the existing mill building at the site is large enough to function as a separate dwelling and would provide all the facilities required for day to day domestic existence for those who used it. Whilst noting that the appeal scheme does not propose to split the property into two separate units, the subdivision of the site would be possible, and independent occupation could be achieved as occupants would not need to enter the proposed principal residence in order to access the mill building. Thus, it could be possible for the mill building to be occupied independently of the proposed main house, thereby creating an additional dwelling.
11. However, by reason of the size of the plot and the relative position of the two existing buildings, the subdivision of the site to create two separate dwellings would be likely to result in a cramped appearance and would be likely to result in the adverse effect on the living conditions of future residents of both buildings through noise, disturbance, and lack of privacy. In my view the separation of the site to provide two dwellings, would be harmful to the established character and appearance of the area and would be detrimental to living conditions of residents. In the event that the site was subdivided, then it could be said that there would be a net gain in dwellings with any such

proposal then being assessed against the requirements of Policies OC1, SD1 and TR2 of the Local Plan.

12. Nonetheless, for the above reasons, the appeal scheme would not result in a new dwelling within the countryside and a planning condition requiring that the existing mill building is only occupied for purposes ancillary to the occupation of the proposed main residence could be imposed, thereby ensuring that a new separate dwelling was not created by preventing occupation independent of the main residence.
13. The appeal proposal would not result in a new dwelling, nor would be harmful to the character and appearance of the area or be harmful to the landscape and scenic beauty of Exmoor National Park. Whilst the scheme would not strictly comply with the criteria included within Policy OC1 of the Local Plan, the proposal would nonetheless, for the reasons given above, accord with the aims and objectives of this policy to protect the countryside from damaging development. The appeal site is currently used for residential occupation and would not be likely to result in a significant increase in vehicle movements to and from the site and would therefore not give rise to new unsustainable transport patterns. Whilst the scheme would result in the loss of parking spaces within the existing garage, there would be sufficient space within the parking area at the site for two vehicles to serve the occupants of the appeal scheme. There would be social benefits associated with the provision of ancillary accommodation.
14. Consequently, I conclude that the appeal scheme would not conflict with the aims or objectives of Policies SD1, OC1 or TR2 of the Local Plan. Whilst it is noted that the Council's decision notice includes reference to the National Planning Policy Framework (July 2021) (The Framework) regarding isolated homes, given its location adjacent to residential buildings within the hamlet, the proposal would not be located far away from other places, people or buildings and, therefore, would not be considered to be isolated in terms of the Framework. Accordingly, the provisions of paragraph 80 of the Framework do not apply in this instance.

Other Matters

15. Interested parties have raised concerns in relation to the potential precedent set by the proposed development. However, any future proposals would have to be considered and determined on their individual merits. In any event, as I have not found any reasons to withhold planning permission it could not set an unacceptable precedent in planning terms.

Conditions

16. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance and the Framework. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord. It is necessary and reasonable to include a restriction that the Blade Mill building only be used as ancillary accommodation. In order to protect the setting of the non-designated heritage asset, a condition removing permitted development rights for extensions and alterations is reasonable and necessary in this instance.

Conclusion

17. For the reasons given I conclude that the appeal should succeed.

Mr A Spencer-Peet

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun within three years of the date of this permission.
- 2) The development hereby approved shall in all respects accord strictly with drawing numbers: Site Location Plan, Block/Site Plan, 1421/1 Proposed Conversion of Garage to Replacement Dwelling and 1421/3 Proposed Alterations to Cottage received by the Local Planning Authority on 15 June 2021.
- 3) The former dwelling known as Blade Mill shall not be occupied at any time other than for purposes ancillary to the residential use of the replacement dwelling hereby permitted.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2, Part 1, Class A, B, C, D or E shall be erected, constructed or carried out to the former dwelling known as Blade Mill or to the replacement dwelling hereby permitted.