
Appeal Decision

Site visit made on 11 April 2022

by John Wilde CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 20 April 2022

Appeal Ref: APP/W3330/W/21/3285152

Newton Farm, Newton Lane, Bicknoller, Somerset TA4 4EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs Rucklidge against Somerset West and Taunton Council.
 - The application Ref 3/01/21/003, is dated 23 April 2021.
 - The development proposed is a change of use of agricultural land to holiday use along with the creation of an access track and 2 No hardstanding areas to site 2 No glamping units (showman's wagons).
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appeal is against non-determination by the Council. However, the Council have produced a statement which makes clear that, contrary to a report by a planning officer, had they determined the application then they would have refused planning permission. Their statement indicates that this refusal would have been based on the unsustainable location of the proposal. From this I have elicited the main issue to be as follows.

Main Issue

- a) Whether or not the proposed development would accord with planning policy in respect of sustainable development.

Reasons

3. The appeal site is part of a field and lies to the north-west of Newton Farm. The appeal site and farm are approached from the A358 via a relatively long narrow lane. From the site there are extensive views of the countryside to the west. The proposal is for two showman's wagons to be placed on hardstanding areas with associated access track.
4. The site is not within a settlement boundary and therefore in planning terms is within the open countryside. Policy OC1 of the West Somerset Local Plan (LP) to 2032 deals with the issue of development outside of settlements. It makes clear that such development is generally not appropriate and that the policy is designed to protect the open countryside from damaging development whilst exceptionally allowing development which is beneficial to the health of the

community and/or to the economy to take place. The policy lists five circumstances where development could be allowed.

5. These are: where the development is essential for a rural worker engaged in agriculture and other rural occupations; the conversion of existing buildings; to meet an identified need for affordable housing; where the proposed development can be classified as an affordable housing exceptions scheme adjacent to a settlement or; a new build to benefit existing employment activity already established in the area that could not be easily accommodated within or adjoining a nearby settlement identified in policy SC1.
6. The proposed showmen's wagons would not comply with the first four of these criteria. As regards the last criteria mentioned above, while I note that the applicants already provide some tourist accommodation, I have been given no significant information to indicate if or how the proposed development would benefit existing employment activity already established in the area. It follows that without such information, conflict with OC1 occurs.
7. Policy EC9 of the LP deals with tourism outside of settlements. This identifies that tourism development in such areas will only be supported where it can (a) be demonstrated that the proposed location is essential to the business and that it could not be located elsewhere, (b) would not adversely affect the vitality of the neighbouring settlements and (c) complements existing tourism service and facility provision in neighbouring settlements and surrounding area without generating new unsustainable transport patterns.
8. Taking each of the above criteria in turn, I have been provided with no significant evidence to demonstrate that the proposed development is essential to the business, although I accept that its location, being close to the applicants' property, would be logical. I also accept that the proposed development would be very unlikely to adversely affect the vitality of neighbouring settlements.
9. As regards transport patterns, the nearest bus stop is about half a mile away on the A358 and the nearest shop is the community shop in Bicknoller which is about a mile away on the other side of the A358. It seems reasonable to assume therefore that most journeys undertaken by holidaymakers staying in the proposed accommodation would utilise the private car, although I accept that this is not uncommon with tourist facilities in rural areas.
10. Nonetheless, given this scenario, and also the lack of evidence to show that the proposed development is essential to the business, some conflict with policy EC9 exists.
11. Policy TR2 of the LP has also been brought to my attention. This makes clear that development should be located and designed to maximise the attractiveness of modes of transport other than the private car, particularly where it (a) complements existing service and facility provision in the settlement and surrounding area without generating new unsustainable transport patterns and (b) does not generate significant additional traffic movements over minor roads.
12. The appeal site is accessed by via a minor road. However, this is a relatively short distance and the trip generation from two holiday units would be modest. Therefore it cannot be said that the proposed development would generate

significant additional traffic movements over the minor road network. However, neither can it be said that it would be located and designed to maximise the attractiveness of modes of transport other than the private car. Conflict with policy TR2 would therefore occur.

13. My attention has also been drawn to policy EC1 of the LP which seeks to widen and strengthen the local economy. This indicates that new development for all types of employment generating activities will be encouraged. On the surface therefore, if the proposed development were to generate employment, support would be offered by this policy. However, I have been supplied with no evidence to show how much employment, if any, would be generated by the proposal.

Conclusion

14. I have found that, from the evidence before me, conflict would occur with policies OC1, EC9 and TR2. Whilst some support could be forthcoming by virtue of policy EC1, I have no evidence before me to definitively conclude that this would be the case. In the absence of material considerations to outweigh the conflict with the LP, I therefore conclude that the appeal should be dismissed.

John Wilde

INSPECTOR