



Appeal Decision

Site visit made on 28 June 2022

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th July 2022

Appeal Ref: APP/W3330/W/22/3291578

24 Burlinch, Burlinch Lane, West Monkton, Taunton, TA2 8LS

- 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 Richmond against the decision of Somerset West and Taunton Council.
 - The application Ref 48/21/0040, dated 24 June 2021, was refused by notice dated 6 September 2021.
 - The development proposed is change of use of garage first floor to holiday let accommodation with minor amendments to building.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Although reference has been made in the first reason for refusal to Policy SD1 of the Taunton Deane Site Allocations and Development Management Plan, adopted December 2016 (SADMP), the Council has confirmed that this policy is actually part of the Taunton Deane Borough Council Core Strategy 2011-2028, adopted September 2012 (CS) and I have determined the appeal on this basis.

Main Issue

3. The main issue is the site's suitability for holiday use bearing in mind the Council's strategy for the conversion of existing buildings, to support sustainable patterns of development, and economic growth and diversification.

Reasons

4. The existing dwelling and its adjacent garage are in the countryside, some distance from the nearest village. The appeal site is remote from services and facilities and is accessed by a single-track, undulating lane. Whilst there are public footpaths and bridleways nearby, the site's isolated location means that occupiers of the proposal are likely to be reliant on private vehicles for at least some of their activities.
5. CS Policy DM2, which relates specifically to development in the countryside, supports the conversion of existing buildings, including for holiday accommodation, in certain circumstances. Furthermore, as part of its economic objectives for sustainable development, the National Planning Policy Framework (the Framework) supports rural tourism development, recognising that such sites may be beyond existing settlements and not well served by public transport.

6. Although evidence of the need for holiday accommodation locally has been provided, Part 3a of CS Policy DM2 only supports such accommodation where it involves diversification for farming and service enterprises, which does not apply here. Part 3c supports tourist facilities, rather than accommodation, and so is not directly relevant to the proposal.
7. Part 7 of CS Policy DM2 also supports the conversion of existing buildings, but subject to a sequential approach which places community, business and employment-generating uses (including those under former Class B of the Use Classes Order) above holiday and tourism uses. The justification to the policy identifies the lack of access to employment opportunities and low pay in the countryside and seeks to encourage economic growth. As such, it makes clear that community, business and employment-generating uses are appropriate and preferred in these circumstances. This is consistent with the Framework, which encourages different business uses in rural areas, not just tourism.
8. The appellant argues that the building is not suitable for community or business uses. The site has a poor access and so I accept that uses which would generate significant levels of traffic would not be suitable here. The site is in residential use, but the appeal building is separate from the dwelling and partially divided from it by landscaping and the site levels. No substantive evidence is before me to suggest that community or employment-generating uses have been actively considered by the appellant or that they would be harmful in respect of the living conditions of the occupiers of the host dwelling, or for any other reason.
9. I have been referred to previous decisions by the Council at Cheddon Fitzpaine¹ and at Coombe Lane, West Monkton². I do not have full details of these cases, but they appear comparable to the proposal. In these instances, the Council adopted a different approach and did not require a sequential assessment of alternative uses to be undertaken. The Council has not indicated why it adopted an apparently different approach in these cases, though I note reference at Coombe Lane to the potential effects of alternative uses on the living conditions of occupiers of the dwelling.
10. These decisions are an important material consideration, as is the need for consistency in decision-making. However, this must be set against the need to properly apply the policies of the Development Plan. CS Policy DM2 sets out a clear hierarchy and justification for its sequential approach, against which I have found conflict.
11. I therefore conclude that the proposal does not comply with the Council's strategy for the conversion of existing buildings, to support sustainable patterns of development, and economic growth and diversification. Policy SD1 has been referenced in the evidence before me, but given its particular focus, is not relevant to my reasoning. Nevertheless, for the reasons given above, the proposal would conflict with CS Policy DM2. It would also be at odds with CS Policy SP1, which seeks to focus new development to the most accessible locations, as well as conflicting with the Framework and its encouragement for business uses in rural areas.

¹ LPA reference 48/15/0034

² LPA reference 48/19/0007

Other Matters

12. The proposal has the support of West Monkton Parish Council. It would also result in benefits including bringing additional tourists to the area, addressing any need for tourist accommodation and providing income from the Community Infrastructure Levy. It may well be more energy efficient than a new-build scheme. However, I have no detailed information to show how the proposal would compare with development that complies with CS Policy DM2 in these respects, and so can give them only modest weight. As such these benefits do not overcome the conflict with the Development Plan.
13. The proposal would have no undue impact on the living conditions of any other dwelling, nor in respect of its visual impact or highway safety. The Council has not cited any conflict with the West Monkton Neighbourhood Plan. These matters are however essentially neutral in the planning balance. I have also considered whether conditions could be attached to ensure that the property remains connected to the host dwelling, but this would not overcome the conflict I have identified above.
14. The Council's second reason for refusal refers to the site's location within the catchment area of the Somerset Levels and Moors Special Protection Area and listed Ramsar site (the SPA). As a European Designated Site and Ramsar site, this is protected pursuant to the Conservation of Habitats Regulations 2017 as amended.
15. In the event that I had found no harm in respect of the first issue, the competent authority (in this case myself) would need to carry out an Appropriate Assessment in respect of the potential effects of the proposal on the SPA. However, as I have found against the appellant on other substantive grounds, this matter need not be considered any further in this case.

Conclusion

16. For the reasons given, there would be conflict with the Development Plan, read as a whole. No material considerations have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. I therefore conclude that the appeal should be dismissed.

O Marigold

INSPECTOR