



Appeal Decision

Site visit made on 17 February 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01st March 2023

Appeal Ref: APP/Q3305/W/22/3308234

Puzzle Tree Cottage, Blackey Lane, Benter, Oakhill, Radstock BA3 5BH

- 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 Martin Jenkins against the decision of Mendip District Council.
 - The application Ref 2021/2755/FUL, dated 1 December 2021, was refused by notice dated 13 May 2022.
 - The development proposed is described as 'Conversion & Extension of a Redundant Building to a Dwelling (to include localised diversion of Public Footpath SM19/3)'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether or not the proposed development is in a suitable location having regard to local planning policies and accessibility and whether it would be a sustainable form of development having regard to the National Planning Policy Framework.

Reasons

Suitability of Location

3. Core Policies 1 and 2 of the Mendip District Local Plan Part 1: Strategy and Policies (adopted 2014) (LPP1) seeks to direct development towards towns and villages and strictly control it within the open countryside. This is to ensure that housing is provided in locations which have nearby access to facilities and services to meet their daily needs and are also accessible by a range of transport modes.
4. The appeal proposal involves the extension of an existing domestic garage along with its conversion to facilitate its change of use to a dwelling. The garage is currently associated with Puzzle Tree Cottage and lies to the north of Blackley Lane, a narrow, rural country road that contains no streetlighting or pavements near to the site.
5. The site is situated within open countryside. Whilst there are a small number of nearby dwellings, the appeal site is located a considerable distance a settlement boundary and local facilities and services. Given the nature of the surrounding rural lanes, including the topography, and in the absence of nearby frequent public transport options, future occupants of the proposed dwelling would be heavily reliant on the use of private car to access most

facilities and services. This would be the least sustainable travel option. Consequently, the proposal would result in an isolated home in the countryside.

6. Core Policy 4 of the LPP1 allows some development in the countryside to help sustain rural communities. This includes the provision of rural affordable housing where there is evidence of local need, or occupational dwellings where there is an essential need to support agriculture, forestry, or rural based enterprises. However, the appeal proposal has not been shown to accord with any of the exceptions.
7. Policy DP22 of the LLP1 has been raised by the appellant. The policy provides support for the re-use of redundant or disused rural buildings in the countryside for residential use, where proposals would lead to an enhancement to the immediate setting, and provide various other criteria listed within the policy are also met.
8. The Council argue that a domestic garage is not a rural building. Policy DP22, nor its supporting text, provide a specific definition of what constitutes a 'rural building'. However, they allude to support being given to the conversion or re-use of agricultural buildings or those associated with the rural economy to support rural diversification. In my experience, it is also typical that policies for the conversion of redundant rural buildings are targeted towards those related to farmsteads, agricultural practices, or where heritage assets would be conserved. Whilst the domestic garage subject of this appeal is a building located in a rural setting, I do not consider that it would be a 'rural building' as per the terms that are likely to be intended by Policy DP22.
9. However, even if the garage was to be considered a rural building for the purpose of Policy DP22, I observed on my site visit that it was neither redundant or disused. The garage appeared to be of solid construction, with lockable doors, and in fair condition. Furthermore, I was able to access inside the building, which was seemingly dry/watertight, and was clearly being used for the storage of various equipment and domestic paraphernalia. The garage also had its own electrical supply, with lighting and what appeared to be a chest freezer operating inside, along with external CCTV equipment. Consequently, regardless of whether the garage would constitute a rural building it would not comply with the requirements of Policy DP22.
10. The appellant also highlights that there is Government support for the reuse of rural buildings that are typically found outside of settlement boundaries. This includes through national planning policy and guidance, as well as via Part Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GDPO). Be that as it may, the proposal is not for the conversion of an agricultural building for which Part Q of the GPDO was introduced. Furthermore, the proposed development would not meet any of the circumstances outlined at Paragraph 80 of the National Planning Policy Framework (the Framework), whereby isolated homes within the countryside may be supported.
11. Overall, the proposal would not be in a suitable location having regard to the development plan policies and its accessibility to facilities and services. The proposed development would conflict with Policies CP1, CP2 and CP4 of the LPP1.

Sustainable Development

12. The Council acknowledges that it is unable to demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 74 of the Framework. As such, relevant policies for the supply of housing should not be considered up-to-date and paragraph 11 of the Framework should therefore be applied.
13. There is no information before me about the scale of the shortfall in housing supply. The appellant has though highlighted the difficulties that the Council faces due to constraints relating to phosphates entering the Somerset Levels RAMSAR site.
14. The proposal would result in a small social benefit through the provision of an extra housing unit. However, although paragraph 60 of the Framework refers to boosting significantly the supply of housing, the provision of one additional unit would make little meaningful difference. Economic advantages would also arise from the construction and occupation of a new house, albeit limited.
15. The provision of a dwelling in this location would be contrary to the spatial strategy for residential development established in the development plan. The meticulous application of the development plan policies may hinder the ability to address the Council's housing shortfall. Nonetheless, restriction on development in the open countryside in order that development is instead delivered in sustainable locations, where there is good access to facilities and services, is consistent with the provisions of the Framework.
16. When assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development and the conflict with the development plan is not outweighed by the Framework.

Other Matters

17. The appellant indicates that as part of the application it is proposed to divert an existing public right of way (PROW) that the garage currently impedes upon. This would need to be secured via a separate Diversion Order. Whilst the diversion of the PROW may provide a public benefit, I do not consider it would outweigh the harm of the proposal. Furthermore, the potential to divert the PROW is not reliant upon the implementation of the appeal scheme.
18. I am aware that the appellant has an extant planning permission (ref: 120237/000) that includes an extension to the appeal garage, to provide a workshop. I also understand that the scale of the current proposed extension to the building and its external appearance would be very similar to the extant permission. However, the concerns with the appeal scheme relate to the appropriateness of the proposed dwelling use, as opposed to its intended design or appearance.
19. The appellant has referred to a previous planning permission (ref: 2016/0554/FUL) that the Council approved for the change of use of a nearby redundant public house to two dwellings. I have not been provided with any background context or documents associated with that permission. Nevertheless, from the information provided, it appears that the scheme is not comparable to that before me given that the building in question was not in use and was a public house. As such, it is probable that there would have been

alternative policy tests to adhere to, or planning benefits to justify that development.

20. I note that the garage has suffered from previous break-ins, which may be attributed in part to the physical location of the garage in relation to the host dwelling. However, this does not justify the proposed development.

Conclusion

21. The appeal scheme conflicts with the development plan as a whole and there are no other considerations, including the Framework's provisions, which outweigh this finding. Therefore, for the reasons given above and considering all other matters raised, the appeal is dismissed.

Lewis Condé

INSPECTOR