



Appeal Decision

Site visit made on 28 February 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th April 2023

Appeal Ref: APP/V3310/W/22/3309829

Land at Oak Tree Farm, Quab Lane, Blackford, Wedmore, BS28 4AR

- 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 B Coombes against the decision of Sedgemoor District Council.
 - The application Ref 50/22/00042, dated 14 April 2022, was refused by notice dated 29 June 2022.
 - The development proposed is described as 'the retention of a temporary agricultural dwelling as a single, self-contained unit of self-catering tourist accommodation.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the principle of the proposed development with specific regard to its location.

Reasons

3. Policy S2 of the Sedgemoor District Council Local Plan (2019) (LP) explains that in the countryside proposals for new development will be supported only where it accords with relevant policies in the LP which provide for sustainable and appropriate scales of development therein, including where such a location is essential. This is in order to reflect the challenges faced in terms of environmental constraints, accessibility to key services and sustainable transport opportunities. Recognising the environmental and landscape constraints of such a location, LP Policy CO1 seeks to balance the benefits development can give to rural communities and the rural economy with these environmental and landscape constraints.
4. LP Policy D17 states that in the countryside new tourism accommodation should be provided within or close to a settlement but may be justified in other locations where the facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites nearby.
5. The appellant's case is supported by a Marketing Report which details occupancy data, nearby tourism accommodation, market demand and profit expectations. The appeal submission expands on this and sets out the distances between the proposal and nearby services and facilities. There is no substantive evidence that the proposed development would be in connection with any particular countryside attraction other than the general enjoyment of

the surrounding area. Additionally, there is nothing before me to indicate that this could not be provided on other land in the area. It therefore fails against Policy D17.

6. Policy D17 goes on to state that the Council expects proposals for new accommodation in the countryside to be supported by a robust business case demonstrating that they are viable. The appellant argues that facilities such as that proposed will continue to be in demand, but I have seen no substantive evidence to corroborate this. Whilst comments have been made regarding the potential income and costs, I have not been provided with any details of where these figures have come from. The information provided does not therefore form a sufficiently robust business case. The proposal would therefore result in a form of tourism development which has not been adequately justified and as such would lead to an unacceptable proliferation of development in the countryside.
7. The proposal would therefore be contrary to Policies S2, CO1 and D17 of the LP, the aims of which I have set out. As such, it would undermine the spatial strategy for tourist accommodation in the countryside as well as the approach that the planning system should be genuinely plan led.

Other Matters

8. In respect of the Somerset Levels and Moors Ramsar, Habitats Regulation 63(1) states that a competent authority, before deciding to give permission, must make an appropriate assessment of the implications of the development of that site. Given my reasoning in respect of the main issues and that the appeal is dismissed, there is therefore no requirement upon me in that regard and have not considered the matter further.
9. The appellant has referred to two planning permissions granted by the Council regarding tourist accommodation in the district. One for the use of a shipping container and the other a small development of lodges. It seems the location of the appeal sites in each case, from the appellant's commentary, is the countryside and thus they have parallels with the scheme before me. However, I have only seen the decision notice for each scheme and thus am not aware of their full circumstances. I am not therefore led to allowing the appeal in their light.

Conclusion

10. The proposal would be contrary to the development plan as a whole and there are no other material considerations, including the approach of the Framework, which outweigh this finding. I therefore conclude that the appeal should be dismissed.

Tamsin Law

INSPECTOR