



Appeal Decision

Site visit made on 21 November 2023

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2023

Appeal Ref: APP/W3330/D/23/3318578

Whisperfields, Norton Fitzwarren, Taunton TA4 1BG

- 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 Ian Johnson against the decision of Somerset West and Taunton Council.
 - The application Ref: 27/22/0018, dated 10 June 2022, was refused by notice dated 21 December 2022.
 - The development proposed is described as the erection of a single storey extension and creation of a vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. It was evident to me during my site visit that the works associated with the creation of the proposed vehicular access had taken place. Section 73A of the Town and Country Planning Act 1990 (the Act) makes allowance for the submission of a planning application for development which has been carried out before the date of the application.
3. Section 55 of the Act describes development as the carrying out of building operations or the making of material changes of use rather than the retention of works or the continuation of a use. I have therefore not included the word 'retention' in the description of the proposal as was the case with the description on the decision notice. I have also removed the address of the appeal building and reworded the description of the proposal to better reflect the development before me.
4. The proposal was amended from the original scheme submitted to the Council reducing the scale of the extension to a single storey and to include the vehicular access works. I have determined the proposal upon the revised plans as considered by the Council.

Main Issues

5. The main issues are the effects of the development on the:
 - character and appearance of the appeal building and the wider area; and
 - biodiversity.

Reasons

Character and appearance

6. The appeal building is a detached modestly proportioned traditional barn conversion set in attractive rural surroundings. It is understood that the building obtained planning permission originally as a home office¹ linked to the residential conversion of a barn situated to the east. However, more recently planning permission has been granted to allow the building to be used as a single dwellinghouse² separate from the adjacent property. It was evident to me during my site visit that whilst the appeal building is clearly in residential use, its original function and purpose as a traditional agricultural building remains evident.
7. With regard to the proposed extension, I understand the desire to enlarge the existing living space of the appeal building, which I accept is restricted in terms of internal space. I also acknowledge the basis for the design approach taken with regard to distinguishing between the traditional and the new through the proposed glazed link, and a single storey form. However, it is the proposed length, width and resultant massing of the proposed extension that, to my mind, would appear uncomfortably large and would result in a domineering addition to the proportions of the appeal building. Consequently, the proposal would overwhelm, and appear discordant and disproportionate, resulting in harm to the traditional characteristics of the existing building.
8. The appellant has referred me to the recent approval granted on the barn conversion to the east, which was under construction at the time of my visit. Whilst I acknowledge these submissions, it is not clear to me what were the full circumstances behind this decision, and nonetheless, the adjacent property differs from the appeal building in terms of its scale and appearance, and capacity to accommodate change. As a result, the works on the property to the east have not materially changed my view of the proposals before me and in any case, I am required to determine the appeal proposal on its own individual merits.
9. Turning to the proposed site entrance, this is located just to the west of the existing access and visibility splay serving the adjacent barn conversion. The access point is level with the extent of the domestic garden of the appeal building. As a result, the access is predominately perceived in this context from the narrow lanes leading by and close to the appeal site. The appellant has suggested landscape planting could also be provided. Had I been minded to allow the appeal, I am satisfied that the effects of the proposed new access would be acceptable as it is perceived in the domestic context, and would, through conditions regarding appropriate landscaping measures and the final detail of the entrance gates, provide for a visual and natural buffer to the domestic garden of the appeal building as perceived from the adjacent lane.
10. However, for the reasons I have set out above, I am of the view that the proposed extension would result in harm to the character and appearance of the appeal building and the surrounding area. For this reason, I therefore find conflict with Policy DM1 d. of the Taunton Deane Borough Council Adopted Core Strategy 2011-2028 (the CS) and Policy D5 of the Taunton Deane Adopted Site

¹ LPA ref: 27/07/0014

² LPA ref: 27/19/0016

Allocations and Development Management Plan 2016 (the DMP), which amongst other matters, require development to not unacceptably harm the appearance and character of the host building and street scene, and permits extensions to dwellings provided they do not harm the form and character of the dwelling and are subservient to it in scale and design. The proposal would also conflict with paragraph 130 of the National Planning Policy Framework 2023 (the Framework), which amongst other matters requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Biodiversity

11. From my review of the case officers report, it is understood that the areas of concern of the Council on this matter relate to uncertainty over the effects of the proposed extension works on roost access points on the main barn building, and the impact of the removal of the hedgerow for the site entrance.
12. As a consequence, the appellant has submitted through their Statement of Case, a Preliminary Ecological Appraisal by jh ecology dated March 2023 Reference 23/1703 (the PEA). The PEA also includes a Preliminary Roost Assessment (the PRA) of buildings on the appeal site.
13. The Council have referred to Policy CP8 of the CS in their decision notice on this matter, however I have not been provided with a copy of this policy. Nonetheless, I am aware of Policy DM1 c. of the CS, which amongst other matters requires proposals to demonstrate that development will not lead to harm to protected wildlife species or their habitats. Paragraph 174 of the Framework also explains that planning decisions should contribute to and enhance the natural and local environment by, amongst other matters, recognising the benefits from natural capital and ecosystem services and minimising impacts on and providing net gains for biodiversity.
14. Further, paragraph 99 of Circular 06:2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impacts within the Planning System explains that it "... is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."
15. The PEA and the PRA explain that whilst the appeal building is a potential roost site for bats, the limited extent of the proposed works to the existing building itself alongside the evidence provided through the PRA, indicate that it is considered unlikely that bats would be affected by the proposed works. A number of mitigation and enhancement measures are recommended in the PEA. These are matters that could have been controlled via planning condition if I was minded to allow the appeal.
16. It is also noted that the PEA sets out that the negative effects from the removal of the hedgerow for the site entrance could be offset through replanting on the northern and eastern boundaries. The PEA also provides a number of further mitigation and enhancement measures, again these are all matters that could be adequately controlled via condition.

17. On the above basis, I am satisfied that subject to accordance with the PEA and the implementation of the highlighted mitigation, compensation and enhancement measures, the proposal would align with Policy DM1 c. of the CS and paragraph 174 of the Framework.

Conclusions

18. While I have found that the appeal proposal would have an acceptable effect on biodiversity and on the character and appearance of the area with regard to the proposed vehicular access, the proposed extension would have a detrimental effect on the characteristics of the appeal building and that of the surrounding area.
19. As a result of these negative effects, the proposal is in my view unacceptable, and contrary to the development plan, when read as a whole. There are no material considerations that would justify a decision contrary to the provisions of the development plan, in this case.
20. For all the above reasons, having regard to all matters raised, I conclude that the appeal should be dismissed.

J Evans

INSPECTOR