



Appeal Decision

Site visit made on 4 February 2025

by **A J Sutton BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st February 2025

Appeal Ref: APP/E3335/W/24/3352765

Perry Farm, Village Road, Hatch Beauchamp, Taunton TA3 6TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Rodney Down against the decision of Somerset Council.
- The application Ref is 19/24/0003.
- The development proposed is described as 'Change of use from an Agricultural to Use Class B1/B8.'

Decision

1. The appeal is dismissed.

Procedural Matters

2. The purposes originally outlined in Use Class B1 now fall within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended, (the Order). The appellant's appeal statement acknowledges the error in the description of development for this proposal. This matter will be addressed in due course.
3. A building and associated hardstanding were in place at the time of the site visit.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - Whether the appeal site would be a suitable location for the proposed use, having regard to spatial policies of the development plan.

Reasons

Character and Appearance

5. The appeal site is a plot of land comprising a large building fronted by a sizeable area laid with hardcore. The structure is set back from the road and relatively centrally within a field.
6. There are properties in the immediate vicinity of the appeal site, which include farmsteads, small businesses and dwellings. However, that existing built form is separated from the appeal site by Village Road. The nearest settlement, Hatch Green, is a small hamlet, which is set apart from the appeal site, by farmland.
7. There are businesses operating in this area. However, these are either located in Hatch Green or comprise small rural enterprises set in properties to the east of Village Road.

8. While the area is bounded by a main A road, development in this area is largely limited to small settlements, scattered farmsteads and small properties surrounded by hedge lined fields. With few structures and mainly comprising farmland, the immediate setting of the appeal site appears relatively undeveloped countryside that positively contributes to the rural character of this area.
9. It is understood that there has been a building in this field for some time. Indeed, prior approval was granted for an agricultural shed. The submitted plans with this proposal shows a building of a similar height and length to that previously approved. However, the expansive front elevation in this case comprises three large roller shuttered openings. These openings are flanked by additional doors and windows on the buildings' frontage. With these features, unlike the partially open agricultural shed previously approved, the building shown on the submitted plans has a distinctly commercial appearance that is out of character with its countryside setting. The incongruous appearance is further compounded by the proposed expansive hardstanding and turning area to the front and side of the building.
10. It is suggested that the proposed change of use would be similar to that which is already permitted at the site, in terms of storage of farm equipment. However, B1 use (now forming part of Class E of the Order) allow for offices, research and development and industrial processes (subject to certain restrictions). The appellant's planning statement submitted with the original application indicates that B2 use is being sought. That use is for industrial processes other than the ones falling within the former Class B1 listed above. Under the uses outlined, cars would likely arrive at the site throughout the day and would be parked for significant periods. The site is such that several vehicles could be accommodated. This pattern of use would appear considerably different and at odds with the existing agricultural activities currently permitted at the site.
11. Moreover, Class E of the Order also allows for purposes which include display of retail goods, sale of food and drink, financial and professional services, indoor sports, creches and day centres for visiting members of the public. It would not be unreasonable for such premises to require the citing of signs, and as with the uses above, these commercial types of businesses would result in a distinctly different pattern of traffic and usage of the site than would be the case with agricultural uses.
12. Also, even if the change of use at the site was limited to B8, in addition to storage, that use allows for distribution centres. This would likely involve the movement of goods from the site, potentially by HGVs. As already outlined the building is a good size and the hardstanding could cater for several vehicles, and I find nothing before me that would prevent a significant number of large vehicles being parked at the site for long periods.
13. Moreover, this use would likely involve the regular loading of lorries, and the usage of the site would appear distinctly industrial in this regard. Such a pattern of use and the appearance of a significant number of vehicles would be considerably different to that which usually arises in a farmstead or on agricultural land. Indeed, the operation which could result from this development would be of a scale and type that would not be out of keeping with an edge of town location or in an industrial park.

14. It is understood that a company supplying dairy equipment to farm businesses is currently using the building. However, the evidence shows that this business only occupies part of the building. The remaining unoccupied space and hardstanding would be available for the commercial and industrial activities outlined above. With these uses, the proposal would result in a sizeable island of commercial development largely surrounded by fields. This scale of development, along with the commercial activities would not only considerably alter the appearance of the site but would seem an oddity in this relatively undeveloped context. In turn the proposed development would harmfully erode the rural character of this area.
15. The appeal site is reasonably well screened from the main road. However, the uncharacteristic development would be clearly visible from the site access, intermittently along Village Road as well as from properties opposite and across the fields edging Hatch Green. From these vantage points the development would appear a harmful encroachment in the Countryside.
16. It is highlighted that the existing building is 15m away from the building that was granted prior approval. The appellant asserts that this difference is not material, making reference to court judgments to support this view. However, even if I accept the appellant's argument, for the reasons already outlined, the building in the submitted plans has a commercial appearance that is distinctly different from that which was granted prior approval. Moreover, the incongruent appearance of the building, in this rural locale, would be considerably compounded by the commercial and industrial activities which could arise from this change of use. My findings on this issue are unaltered for this reason.
17. In light of the above, I find that the proposal would have a significant harmful effect on the character and appearance of this area. In this regard, the proposal conflicts with Policy DM1 of the Taunton Deane Core Strategy (Core Strategy). This Policy, amongst other matters, requires the appearance and character of any affected landscape, settlement, building or street scene would not be unacceptably harmed by the development.

Suitable Location

18. As stated, the appeal site is in the countryside, outside of a settlement. Policy SP1 of the Core Strategy clarifies that outside of settlements proposals will be treated as being within open countryside. Core Strategy Policy SP4 sets out the spatial vision for rural areas. This Policy confirms growth in such areas will be limited, respecting and reflecting the rural character and sustainability considerations. The creation of balanced and sustainable mixed-use communities will be achieved through a focus on the Major Rural Centres and secondly on Minor Rural Centres. Policy SP4 outlines the key features of the vision, which include, providing small-scale local opportunities for employment growth including rural diversification.
19. Policy SB1 of the Taunton and Dean Adopted Site Allocation and Development Management Plan (DMP) states such proposals should be assessed against Core Strategy Policies CP1, CP8 and DM2. Addressing this assessment, Policy DM2 of the Core Strategy, consistent with the spatial vision set out above, provides support for Class B business use in new small scale buildings, within existing buildings and in the conversion of existing buildings, subject to a sequential approach. This support is however qualified, with the Policy stating that the above

criteria must be of a scale, design and layout compatible with the rural character of the area.

20. In this regard, Policies SP4 and DM2 appear largely consistent with relevant provisions of the National Planning Policy Framework (the Framework) which at Paragraph 88 seeks sustainable growth of all types of business in rural areas through the conversion of existing buildings and well-designed new buildings. The Framework goes on to clarify that in these circumstances it will be important to ensure that development is sensitive to its surroundings. Also, the Framework states that good design is a key aspect of sustainable development.
21. The appellant asserts that as the building is existing, the conversion criterion of Policy DM2 is applicable in this case. Limited information has been advanced in this appeal to address the sequential approach required by that criterion.
22. This aside, even if I accept this proposal would constitute a conversion, I have already concluded that the building is not well-designed for this rural setting, and the proposed development would not be sensitive to its surroundings. While this land may be previously developed and near to the settlement of Hatch Green, the site is not considered to present a 'suitable opportunity' for the scale of development proposed in this case for these reasons. The proposal would be inconsistent with requirements of Policy SB1 of the DMP, Policies SP4 and DM2 of the Core Strategy and relevant provisions of the Framework in this respect.
23. It is asserted that there is a shortage of employment sites. However, minimal information is submitted to support this assertion. That said the supporting text of Policy DM2 recognises that the countryside can be characterised by low paying jobs and lack of opportunity for access to work. As already outlined, the vision for rural areas in the borough provides support for economic growth and diversification but seeks small-scale new development sensitive to the character of such locations in addressing this need. This proposal would result in a sizeable economic development in a rural setting and would therefore be contrary to these policy aims and in turn the spatial vision of the development plan.
24. Addressing transport matters, Policy CP1 of the Core Strategy seeks, amongst other matters, to reduce the need to travel through locational decisions. This aim is also reflected in Policy CP6 of the Core Strategy. Given the sites' rural location and the limited surrounding development, access to the proposed business units would be largely dependent on cars. Also, as outlined above the nature of the proposed uses would likely result in cars and lorries accessing the site.
25. This aside, there are some bus services along Village Road and the appeal site is close to a main road that links the urban centres of Taunton and Ilminster. These matters weigh in favour of the proposal. Moreover, Paragraph 89 of the Framework highlights that decisions should recognise that sites to meet local business needs in rural areas may have to be found beyond existing settlements and in locations that are not well served by public transport. Even if I accept that economic development could be acceptable at the appeal site in this regard, this matter alone does not address the inconsistencies with local policy with regards the scale and appearance of the development proposed in this case and the conflict with the spatial vision that would arise.
26. As stated, there is an existing business operating from the site. The evidence suggests this use appears to be operating without planning permission. Setting

that matter aside and having regard to this decision's potential impact on this business and existing jobs, no compelling evidence has been advanced to indicate this harmful proposal would be the only solution to accommodate the needs of this business in this area. Nor has it been convincingly demonstrated in this appeal that employment opportunities, in keeping with the adopted local spatial vision, could not be delivered in a less harmful manner than is proposed in this case.

27. It is asserted that the proposal is necessary diversification for the farm business in the face of economic challenges and uncertainties. Whilst acknowledging that this proposal could financially support the existing farm business, again no convincing evidence has been presented that this harmful change of use would be the only means open to the appellant to secure sources of stable income. These matters attract very limited weight for these reasons.
28. Therefore, concluding on this matter, I find that the appeal site would not be a suitable location for the proposed use, having regard to spatial policies of the development plan. In this regard, the proposal would fail to accord with Policy SB1 of the DMP and Policies SP1, SP4, CP8, DM2 and SD1 of the Core Strategy. These Policies, require, collectively, that proposals should result in a sustainable environment, and must, amongst other matters, be of a scale, design and layout compatible with the rural character.

Other Matters and Planning Balance

29. The Council has not raised concerns about adverse impacts on ecology, local residents' amenity and highways safety, subject to conditions. However, development should not result in such harms and therefore these matters do not weigh significantly in favour of the development.
30. The development could be made energy efficient, and the proposal would create employment opportunities in the local area. This would be a significant economic and social benefit. However as already outlined the scale of the development and its character would be incongruous in this rural setting. Moreover, I have not been convinced that this harmful development is the only means of creating jobs in the area and delivering farm diversification. These factors considerably counter the weight that the identified benefits attract in this case.
31. In summary, the limited benefits identified would not outweigh the harms of the development. Attention is drawn to local policies that are not in dispute. However, significant harm has been identified in respect of character and the proposal would also fail to accord with the spatial vision for rural areas in the borough. Consequently, I find the proposal would conflict with the development plan when read as a whole.

Conclusion

32. For the reasons stated above and having regard to the development plan, and material considerations, including the Framework, the appeal should be dismissed.

A J Sutton

INSPECTOR