



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: 6th March 2025

Appeal Ref: APP/E3335/W/24/3354157

Weighbridge Farm, Holloway Road, Middlezoy TA7 0PF

- 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 T J Burbidge Developments Ltd against the decision of Somerset Council.
 - The application Ref is 34/24/00002.
 - The development proposed is described as 'Proposed erection of a holiday let (part retrospective).'
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a holiday let at Weighbridge Farm, Holloway Road, Middlezoy TA7 0PF in accordance with the terms of the application, Ref 34/24/00002 and the submitted details, and subject to the conditions in the attached schedule.

Procedural Matters

2. A building was partially constructed at the time of the site visit.
3. A minor amendment is made to the description of development in this formal decision, by deleting '*part retrospective*', as this is unnecessary wording.

Main Issue

4. The main issue is whether the appeal site would be a suitable location for the proposed development, having regard for the locational policies of the development plan.

Reasons

5. The appeal site forms part of a small agricultural holding on an unclassified road, roughly equidistant between Othery on the A361 and the small rural settlement of Middlezoy. The holding hosts two farm buildings and a yard. There is also a neighbouring dwelling. With the exception of these buildings and a couple of farmsteads in the surrounding area, development is very limited. As such the setting of the appeal site is distinctly characterised by the relatively flat rural landscape of patchwork fields and wide skies.
6. The spatial strategy of the Sedgemoor District Council 2019 Local Plan (Local Plan) identifies land outside of towns and settlements as countryside. The Local Plan highlights that the countryside is, amongst other matters, an important recreational and tourist asset and it is recognised that in some cases it is an essential location where this relates to a specific countryside need, including leisure opportunities appropriate to a rural location. The supporting text of the Local Plan goes on to clarify, where this applies, proposals will be expected to

contribute to the local economy and to protect the environment, taking account of nature conservation sites and transport impacts.

7. Policy CO1 of the Local Plan specifically addresses development in the countryside. This Policy supports development which accords with relevant local policy and where, amongst other things, it enhances and maintains the vitality of rural communities and supports a prosperous rural economy. These aims appear generally consistent with relevant provisions of the National Planning Policy Framework (the Framework).
8. Relevant to this proposal, Policy D17 of the Local Plan supports tourism related initiatives including accommodation. In particular, the Policy states that small scale tourist accommodation, including lodges, caravans and pods, will be supported within identified settlements. Separate to this, Policy D17 goes on to clarify that in the countryside new accommodation should be provided within or close to a settlement. As the site is less than half a mile away from two settlements, I find that the latter requirement of this part of the Policy is satisfied in this case.
9. The proposal, as a single unit, would also be small scale accommodation and consistent with the Policy in this regard. However, unlike the tourist lodges that were permitted at nearby Crossroads Farm, this proposal would result in a brick building.
10. The appellant highlights that there was previously a building in this vicinity and the planning history shows there was planning permission for a change of use to a dwelling and conversion of a barn. However, the evidence advanced indicates that the original barn collapsed, and that the permission is no longer extant.
11. The submitted plans show that the holiday let is to be accommodated in a new building as opposed to a change of use of a building already existing on the site. Also, with foundations and constructed in brick, the proposal would result in a distinctly different type of tourist accommodation than that explicitly referenced in Policy D17 outlined above. However, while this Policy appears to show a preference for a more temporary form of structure than this or for the use of existing buildings, there is nothing in Policy D17 or any other relevant local plan policy that precludes new buildings in the countryside close to a settlement for this particular use.
12. Policy D17 goes on to require that all such proposals are supported by a robust business case demonstrating they are viable. The supporting text of this Policy clarifies while new tourist accommodation is generally supported, where exceptionally it is granted in the countryside, proposals should be justified through the demonstration of viability.
13. I have not been directed to guidance prescribing the content of business cases or viability for this type of development. This aside, a Business and Marketing Strategy has been submitted in support of this proposal, and this provides a local market assessment, clarifies the nature of the business proposed, and also includes business, operational and marketing plans for the development.
14. Addressing the robustness of this evidence, the Council raises concerns about the need for this development at this location, the contribution it would make to the local economy and its viability.

15. The appellant's Business and Marketing Strategy suggests that research concludes that the demand for this sort of accommodation exceeds supply, and that demand is likely to increase. While limited evidence of this has been supplied, the Strategy does provide some assessment of the existing local market, and this includes analysis of existing tourist accommodation.
16. On this matter, it is stated that there is an oversupply of the type of accommodation proposed in this case. While the appellant's Strategy suggests that there are around 50 self-catering properties of all types and sizes, this is however, in a 10-mile radius of Middlezoy and Othery. When focusing on the immediate area of these settlements, the evidence indicates that there are only five existing properties listed as two-bedroom holiday units, (similar to the scale of unit sought in this appeal) in this locale.
17. In respect of the viability of this type of development in this particular location, the Council asserts that there are no attractions nearby. However, I saw that although there is a scattering of buildings close to the site, the outlook from the proposed accommodation would be over the relatively undeveloped countryside and of expansive skies, and this would be an appealing setting for those seeking a change from an urban environment.
18. Furthermore, while concern has been raised about the lack of local amenities for visitors, there are pubs and some local services in the nearby rural settlements. In terms of particular tourist attractions, just a few miles along the main road there is the striking historic asset of Barrow Mund, a National Trust property. Moreover, access to the appeal site is across the Somerset Levels and the unique habitats and landscape this offers, which include RSPB reserves. Also, the property is well placed to access Glastonbury to the north, the coast to the west, as well as the Quantock Hills. Indeed, these tourist attractions, which are a relatively short drive away, are all acknowledged in the Local Plan.
19. It is asserted that the accommodation would not appeal to people travelling for business. This may be so, but given the factors outlined above it is reasonable to conclude that the proposed holiday let would likely appeal to those seeking a rural break with a variety of attractions in reasonable proximity. Also, given these attractions, it seems to me that the relatively low number of self-catering holiday units currently on offer in this immediate area would not appear to be an oversupply.
20. It is suggested that this type of accommodation would be incompatible with the operation of the farm. The proposed unit would be close to the two farm buildings. However, with a palisade fence at the rear boundary, while the farm activities would be visible, this boundary fence would ensure that visitors would be safely separated from these activities. Also, the rear of the holiday unit would have limited openings, and the rear outside area would be mainly used for parking; the principal outlook of the unit would be to the front over an enclosed garden and the wider countryside beyond. As such future visitors would enjoy a farm stay with a reasonable degree of separation from farm activities that could disturb.
21. Conflicting information regarding employment opportunities has been advanced, but in any event job creation opportunities would be limited. However, as this would be a small development it would be unreasonable to expect much beyond this. Moreover, the holiday let would be an additional income for the agricultural

holding. Although this benefit would be small given the scale of the development, it is a matter which weighs in favour of the proposal.

22. The Council highlights that the appellant's Strategy fails to mention whether visitors will be encouraged to stay locally and use local services. While this may be so, as the settlements would be so close to this tourist accommodation, it would be difficult for future visitors not to be aware of the local services available for their use nearby.
23. Given the factors above, no compelling evidence has been advanced that the appellant's business case is not robust. The submitted Business and Marketing Strategy and other evidence advanced in this case appears to demonstrate that this proposal would be viable at this location. The proposal accords with Policy D17 in this regard.
24. As the tourist accommodation would be on a rural road, those using this holiday let would be largely dependent on a car to access the property, local services and to visit tourist attractions. However, consistent with relevant provisions of the Framework, while Policy CO1 of the Local Plan seeks to manage patterns of growth in the countryside it also recognises that there are fewer opportunities for sustainable transport in such locations.
25. Related to this matter, this is a small development such that it would generate a relatively small number of vehicle movements. Moreover, being close to local services and attractions, many of the resultant car trips would likely be short. Also as outlined, it is reasonable to conclude that visitors would use local services and this, in small part, would help maintain the vitality of rural communities, consistent with the aims of Policy CO1. I find no conflict in respect of these matters for the reasons stated.
26. In light of the above, I conclude that the appeal site would be a suitable location for the proposed development, having regard for the locational policies of the development plan. In this respect, the proposal would accord with Policies S1, S2, CO1 and D17 of the Local Plan.

Conditions

27. As work has commenced a time limit is not necessary. Accordance with approved plans is necessary for certainty and to protect the character of the area. Constructing the holiday let in external materials stated is also necessary for this reason
28. Ensuring that the unit is retained as holiday accommodation is necessary given the characteristics of the development approved and to ensure compliance with the locational strategy and tourism policies of the Local Plan.
29. Managing contamination in the event it is discovered during construction is reasonable and necessary to protect the environment.
30. Requiring biodiversity mitigation is reasonable and necessary to secure local policy aims. Installing stated boundary treatments and retaining trees and hedges is necessary for this reason, and for appearance and living conditions.
31. Providing parking and ensuring clear access is necessary in the interest of highway safety. A cross reference with a planning permission for a different

development on the wider site is unnecessary as access details specific to this proposal are shown on the approved plans.

32. Approving an external lighting scheme is necessary to protect character and the environment.
33. The Framework and Planning Practice Guidance cautions against the removal of permitted development rights where there is no clear justification to do so. The appeal site is reasonably small, but there would be space for some extensions to the holiday let. These rights also allow for roof alterations. Such changes could significantly increase the accommodation at this property, and the holiday let would become of a scale that was not considered in the business case and viability assessment.
34. Also, additional windows or other openings, particularly to the rear of the building, may conflict with the wider operations of the site. These changes require further consideration by the Local Planning Authority for these reasons, and therefore there is clear justification to remove these rights in this case.
35. The approved plans show the boundary treatments to be in place and these are referenced by condition. As such I find no clear justification to remove rights for enclosure of the site.
36. A flood evacuation plan suggested by the Council's Civil Contingencies officer is not necessary as the site is in a low-risk flood zone.

Conclusion

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

A J Sutton

INSPECTOR

Appendix

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos: Site Location Plan, Site Plan Ref 2024- 001 and Proposed Floor Plan and Elevations Drg. No. J293/02.
- 2) The external surfaces of the development hereby permitted shall be constructed in the materials shown on approved Proposed Floor Plan and Elevations Drg. No. J293/02.
- 3) The holiday accommodation permitted under planning permission reference 34/24/00002 shall be used for holiday accommodation only and shall not be occupied as a person's sole or main residence.

The site operators and owners shall maintain a comprehensive up to date register of the names of the occupiers of the holiday accommodation hereby permitted, including names of their guests. The register shall also include details of occupiers and guests' main home addresses and dates of occupation of the holiday accommodation. The register shall be available at all reasonable times to the local planning authority.

- 4) Existing hedgerows and trees on the site should be protected from mechanical damage, pollution incidents and compaction of roots during the construction phase and materials shall not be stored at the base of trees, hedgerows and other sensitive habitats during this phase of development.
- 5) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 6) Prior to the first occupation of the holiday accommodation hereby permitted, a Biodiversity Enhancement, Mitigation and Monitoring Plan (BEMMP) shall be submitted to, and be approved in writing by, the local planning authority.

The BEMMP should include the following:

- (i) Details of bird boxes to be installed and their location;
- (ii) Details of the type and size of native species comprising the new hedgerow shown on approved Site Plan Ref 2024-001, timings for establishing the hedgerow and the approach to managing and maintaining this feature; and
- (iii) Details of lawn areas and planting mix in garden borders

The BEMMP will be implemented and managed in accordance with the approved details and timescales.

- 7) Prior to the first occupation of the holiday accommodation hereby permitted, the boundary wall and fences shown on approved Site Plan Ref 2024-001 shall be

installed in accordance with the details of this approved plan. These boundary treatments along with the new native hedgerow shall be retained in accordance with the details on this approved plan and the approved BEMMP (referenced in condition 6) thereafter.

- 8) Prior to the first occupation of the holiday accommodation hereby permitted, the parking areas and access shall be constructed in accordance with the details shown on Site Plan Ref 2024-001. The access and parking area shall be retained thereafter according to these details and for the purposes intended.
- 9) Prior to the installation of external lighting, full details including height, design, location and intensity shall be submitted to and approved in writing by the local planning authority. External lighting installation shall then be carried out in accordance with the approved details.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, AA, B, C and E of Part 1 of Schedule 2 to the Order shall be undertaken.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed on the elevations of the building hereby permitted.

End Schedule.