



Appeal Decision

Site visit made on 17 March 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 22 April 2025

Appeal Ref: APP/E3335/W/24/3352610

Barn at Westham, Wedmore, Somerset, BS28 4UY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr A Popham against the decision of Somerset Council.
- The application Ref: 50/24/00008.
- The development proposed is 'Outline application for 1 self-build dwelling through conversion and extension of an existing agricultural building along with the erection of double garage, change of use of land to residential and associated works.'

Decision

1. The appeal is allowed, with the effect that outline planning approval is granted for 1 self-build dwelling through conversion and extension of an existing agricultural building along with the erection of double garage, change of use of land to residential and associated works, at Barn at Westham, Wedmore, Somerset, BS28 4UY, in accordance with the terms of the application ref: 50/24/00008, dated 12 February 2024, subject to the attached schedule of conditions.

Preliminary Matters

2. The appeal is for outline planning permission under self-build designation, with approval sought for access, layout, appearance and scale at this stage. Landscaping details are reserved matters for future approval.
3. The application form describes the site address by reference to its grid reference and description 'Adjacent to Manor Farm'. The Council has included the full site address in its decision notice and the appellant has used a similar description in their appeal form. I have determined the appeal on the basis of the site address as shown on the decision notice and as set out in the banner heading, including the county and full postcode.
4. The appeal site has the benefit of a prior approval consent, granted on 28 October 2021, made under a Class Q planning application (Ref:50/20/00080). Following commencement of works, enforcement action (Ref: E 50/00373) has resulted in the appeal application, though no evidence has been put before me which identifies that this prior approval consent is not still available to the appellant as a fall-back position.

Main Issues

5. The main issues are, i) whether the site is a suitable location for housing development having regard to local and national policies, and ii) whether the proposed development would provide acceptable living conditions for future occupants, with regard to the provision of private amenity space.

Reasons

Suitability of the Site for Housing Development

6. The appeal site is situated on an un-named road which connects Fosse Lane at its western end to Keyton Hill at its eastern end. The area is characterised by low density development formed by a mix of farmhouses, houses and former farm buildings, which have been converted to residential dwellings. In all approximately 12 residential properties, spaced at irregular intervals along the north side of the un-named road, form a small hamlet known as Westham.
7. Policy S2 of the Sedgemoor Local Plan 2011-2032 (2019) (the SLP) identifies the Council's spatial strategy, which directs new housing development in accordance with a settlement hierarchy. Blackford, a village 1 mile north north-east of Westham is classed as a tier 4 settlement. Wedmore, a village 3 miles east north-east of Westham is classed as a tier 2 settlement. Policy WED1 of the Wedmore Neighbourhood Plan (2019) (the WNP) establishes that Wedmore is where most new homes and development will be focused. Policy CO1 identifies that outside the identified settlements, development will be controlled. This approach, seeking to accommodate housing in larger settlements and controlling development in the countryside accords with the National Planning Policy Framework (the Framework).
8. Westham does not come under the tier 1 to 4 settlement classifications so is therefore classed as countryside. However, Policy CO2 of the SLP supports infill housing in the countryside, subject to criteria embedded within the policy being met, Policy D9 being one of the criteria, and relating to the provision of self-build or Custom Build projects. The main point of dispute between the parties, is whether the proposed development amounts to infilling of the existing settlement, or whether it physically extends the built form into the countryside.
9. The appeal site has a pair of semi-detached dwellings (Manor Farm Cottage and Elm Tree Cottage) to the west of it, with Tiler's Barn, Manor Farm and Laurel Farm further west. To the north is a newly built dwelling, which was also included, along with the appeal property, in the prior approval consent ref:50/20/00080, and yew tree barn, a residential dwelling formed from a former agricultural barn to the east. Beyond that to the east are further residential dwellings.
10. The Gap between Manor Farm and Manor Farm Cottage is greater than the gap between the appeal site and yew tree barn. The character of development within the hamlet follows this pattern, with its' extent defined by 'Laurel Farm' at the junction with Fosse Lane at the western end, and 'Amerell' at the eastern end. The pattern of development is also consistent in that the buildings which front on to the un-named road are all residential. Whilst they may be called farms, it is the farmhouses which front the road, making the character of the area firmly residential. The appeal site is located at the centre-point of development along the un-named road and would therefore form the nucleus point of the hamlet.

11. The appeal site has the remains of the existing single storey traditional barn, together with foundations and walls under construction, located at the northern end of the plot. The existing hay shed is situated to the south, in the middle section of the site on the eastern side. The newly developed dwelling to the north of the appeal site is visible beyond the existing structures, the character of the appeal site is therefore one of a previously developed site, not of open countryside.
12. Having reviewed Policy CO2 of the SLP, I am satisfied that the appeal proposals would comply with the requirements of the policy, as they are self-build, amount to infill of the built-up area of development, do not extend development into open countryside, and are of a scale and nature which appropriate to the size, character and identity of the existing community. With regards to the Policy D19 Landscape requirements, as this is a matter reserved for future approval in the appeal application, this element can be satisfied at the time of a future reserved matters application and would not be determinative in this case.
13. Policy CO2 also refers to the Framework and the resistance to the development of isolated dwellings in the countryside. Whilst I do not consider the proposals to be an isolated dwelling in the countryside, as it is located within a small hamlet of a dozen or so other dwellings, I note that the proposals, if they were classified as such, would gain support from paragraph 84(c) of the Framework.
14. Having reviewed Policy D9 of the SLP, I am also satisfied that the appeal proposals would comply with the requirements of the policy, as they are of a scale and nature appropriate to the size, character and identity of the local community, that there is evidence of a need for self-build sites via the Council's register, that the proposal is of a high-quality design which complements the built form and contributes towards the placemaking objectives for the settlement. I am also satisfied that the proposals would be well related to the village of Wedmore, which is defined as a tier 2 settlement in Policy S2 of the SLP.
15. The presence of residential dwellings to the west and east of the appeal site leads me to conclude that the appeal site is not extending development into the countryside but is an infill site between other dwellings within an established hamlet. Therefore, it follows that as I find the proposals to be compliant with Policies CO2 and D9 of the SLP, that I do not find that the proposals would conflict with Policy WED1 of the WNP or Policies S1, S2 and CO1 of the SLP, which among other things, requires the scale and nature of development to be appropriate to the size, accessibility, character and identity of the existing community.

Living Conditions

16. As the application is for the creation of a residential dwelling through the conversion and extension of an existing agricultural building, the position of the existing building is the determining factor in the location of amenity space on the site.
17. The appeal application is for outline permission and does not seek approval for landscape matters which are reserved for future approval, and which are not included in the application. However, the appeal site is extensive, with sufficient space to provide for the vehicular access, parking and turning requirements, whilst still leaving significant space immediately adjoining the new dwelling to the south for landscaped amenity space, which could be adequately separated with privacy screen planting from the vehicular access, parking and turning facilities.

18. For the reasons set out above, the proposed development would provide acceptable living conditions for future occupants, with regards to the provision of private amenity space. Therefore, the proposals would accord with Policies D2 of the SLP and WED5 of the WNP, which among other things, requires development to promote high quality sustainable designs which are enjoyable to use.

Other Matters

19. Concerns have been raised by residents and Wedmore Parish Council. I have already addressed most of these in the main issues. However, in addition, it was asserted that the location of the proposed car port would cause overshadowing of the adjacent property.
20. Having considered the location, the distance between properties, the fact that the eaves will be closest to the boundary between the properties and would be single storey in height at this location, together with the orientation, I find that the proposals would not lead to significant impacts on overshadowing, with no potential at all past mid-day and are therefore acceptable.

Conditions

21. Conditions are necessary to define the matters reserved for future approval, and to set out the timescales for their submission and the commencement of development (Conditions 1, 2 and 3). A condition setting out the approved plans is also necessary in the interests of clarity (Condition 4). Development in this location is only considered acceptable on the basis that it meets an identified local need for self or custom build in accordance with SLP - Policies CO2 and D9. Therefore, a condition is required to secure self-build and future occupation (Condition 5).
22. Conditions are necessary to address the potential for contaminated land on the site, for land remediation, and to cover the process for dealing with other contamination discovered during the progress of the works (Conditions 6, 7 and 8).
23. In order to ensure safe access to the highway a condition is necessary to require vehicular access in advance of occupation (Condition 9). To comply with Policy S5 of the SLP a condition to ensure that the proposed development is phosphate neutral in perpetuity is necessary (Condition 10). To improve the sustainability of the development a condition is necessary to control the water consumption rate (Condition 11). Conditions are also necessary to ensure the provision of satisfactory foul and surface water drainage to avoid pollution of the environment and flooding (Conditions 12 and 13).
24. I have not applied a condition relating to electric vehicle charging as this element is subject to separate control under the building regulations.

Conclusion

25. For the reasons set out above, I conclude that the appeal proposals would not be contrary to the development plan as a whole, and that there are no material considerations, including policies in the Framework, that would justify determining other than in accordance with it. Therefore, the appeal should be allowed.

D R Kay

INSPECTOR

Schedule of Conditions

1. Prior to commencement of development, details of the landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority no later than 3 years from the date of this permission.
3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby approved shall be carried out in accordance with the details shown on the following approved plans: Existing Location Plan Drg. No. 100022432; Proposed Block Plan Drg. No. 01; Proposed Floor Plans & Elevations Drg. No. J22010/02A.
5. The dwelling hereby permitted shall be planned, built and first occupied in accordance with the definition of "self-build and custom housebuilding" as defined in the Self-build and Custom Housebuilding Act 2015 (as amended).
6. No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until: i. a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority; ii. the site has been remediated in accordance with the approved measures and timescale; and iii. a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until: i) additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and ii) a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.

7. No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall

be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out [and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority] before the development [or relevant phase of development] is occupied.

8. 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 [or relevant phase of 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.
9. The development hereby permitted shall not be occupied until the vehicular access, as shown on the approved Block Plan Drg No. 01 has been provided. Such access shall have a properly consolidated surface (not loose stone or gravel), over at least the first 6m of its length, as measured from the edge of the adjoining carriageway, and provision made within the site for the disposal of surface water so as to prevent its discharge onto the highway. Such provision, once installed, shall be thereafter maintained at all times.
10. The development hereby permitted shall not be commenced until an Allocation Certificate has been submitted to and approved in writing by the Local Planning Authority which addresses the additional nutrient input arising from the development within the fluvial catchment area upstream of the Somerset Levels and Moors Ramsar site and on the same hydrological pathway. The Allocation Certificate shall be a written certificate issued by the phosphate credit provider confirming the allocation of the full phosphate credit requirement generated by the development, thereby mitigating the additional nutrient load imposed on the Somerset Levels and Moors Ramsar site by the development when fully occupied enabling the local planning authority to conclude on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected site, having regard to the conservation objectives for the site.
11. The development hereby permitted shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.
12. No development shall commence until a detailed scheme for the disposal of foul drainage from the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and completed prior to the occupation of the dwelling.

13. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include results of infiltration testing, along with details of groundwater levels and soakaway design, in accordance with Building regulations Part H, to verify whether or not soakaways will be suitable for the development. Where soakaways are found to be suitable, details of the soakaways to be installed should be provided. If the infiltration test results or ground water levels demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be detailed and justified instead. The scheme shall also include a programme of phasing, implementation and maintenance for the lifetime of the development and subsequently be implemented in accordance with these approved details and retained for the life of the development.