



Appeal Decision

Site visit made on 13 April 2025

by **A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 May 2025

Appeal Ref: APP/E3335/W/25/3358564

Rookery Manor Edingworth Road Edingworth Weston-Super-Mare BS24 0JB

- 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 Ian Clapp against the decision of Somerset Council.
 - The application Ref is P24/22/00042.
 - The development proposed is Change of use from hotel function rooms to provide 9 No. self-contained apartments (revised scheme).
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Decision

1. The appeal is allowed and planning permission is granted for Change of use from hotel function rooms to provide 9 No. self-contained apartments (revised scheme) at Rookery Manor Edingworth Road Edingworth Weston-Super-Mare BS24 0JB, and the plans submitted with it, subject to the 10 conditions appearing on the schedule attached.

Main Issues

2. The Main Issues are:
 - whether the proposed development would be suitably located having regard to the relevant policies of the development plan and the National Planning Policy Framework, and
 - the effect of the development on the character and appearance of the area.

Reasons

Location of the proposed development

3. The appellant seeks permission for the conversion of a redundant, single storey, building, formerly used for weddings and other events, to nine 3-bedroom dwellings. The appeal site forms part of the Rookery Manor holiday park and hotel, within the small settlement of Edingworth which also includes a number of detached dwellings and a large complex of farm buildings arranged along the Edingworth Road. Within that grouping Rookery Manor as a whole occupies a deep parcel of land that fronts the road through the village and is enclosed on its eastern side by the M5 motorway. A substantial development of static caravans or lodges occupy the Rookery Manor site south of the appeal site, all with a shared access arrangement.

4. The development would retain the existing building with minor alterations and partial demolition of some attached structures to create a freestanding terrace block of houses with principal elevations and car parking on its southern side.
5. Policy S2 of the Sedgemoor Local Plan 2019 (SLP) sets out the settlement hierarchy for the former District of Sedgemoor with four tiers of rural settlement¹ which do not include Edingworth, explaining that the designation of countryside includes smaller villages and hamlets that have extremely limited facilities and are not considered sustainable locations for growth. This strategic policy goes on to identify a modest requirement to meet the needs of the areas outside designated settlements.
6. Policy CO2 of the SLP indicates that small-scale infill will be exceptionally supported 'where a village or hamlet has a clearly defined nucleus' according to a number of criteria. However, the proposal is for the conversion of a building which is redundant in its original use and I have not been directed to any policy in the development plan which imposes a locational restriction on such proposals. Even if there were such provision, whilst the National Planning Policy Framework (the Framework) guides at paragraph 84 that decisions should avoid the development of isolated homes in the countryside, it is clear that redundant or disused buildings are precluded from that constraint if there is enhancement of setting. I further note that, in my consideration, the resultant homes would be within the settlement of Edingworth and not isolated. I therefore conclude that the location of the proposed development would not conflict with the provisions of the development plan and would accord with the guidance set out in the Framework as to location.

Character and appearance

7. Although the Council's second reason for refusal suggests there is insufficient information to assess the visual impact of the development on the site and surrounding area. However, the conversion proposed would retain the mass and form of the existing building with identified changes to fenestration and other minor external alterations and other matters which are capable of being controlled by conditions. I note the concerns as to the differences between surrounding development and the proposed linear form, or 'block' of housing, however Edingworth has a mix of building types and what is proposed presents significant opportunities for visual enhancement of the setting of what may otherwise, in the absence of a beneficial use, be an unimproved building that could be visually harmful to the rural setting.
8. The appellant has provided additional drawn information such that the final appearance of the proposed scheme would be well-defined if subject to suitably-worded conditions on the usual matters such as details of fenestration, use of materials, hard and soft landscaping and, in this case, demolition and making good. The development would thereby result in a high quality development in accordance with Policy D2 of the SLP which seeks, amongst other things, development which is responsive to local context.

Other Matters

9. The appellant has provided a draft Unilateral Undertaking which had been proffered to the Council. I have no completed agreement before me. The Council has not

¹ Below Bridgewater and the market Towns of Burnham-on-Sea and Highbridge

provided justification for obligations other than that appearing in the Council's officer report which recommended approval of the matter subject to the completion of a Section 106 Agreement for the provision of an affordable housing contribution. Planning Practice Guidance indicates in exceptional circumstances where delivery of a development would otherwise be at risk, completion of an agreement may be required by a negatively worded condition. In this case the tests of necessity, reasonableness, precision, relevance to planning and to the development would be met by a condition which precludes the commencement of development until a scheme for the timing and amount of affordable housing contribution is agreed by the parties. Such a condition would also be enforceable.

Conclusion

10. I have concluded that the proposed development would be located in accord with the policies of the development plan when the guidance of the Framework as to the reuse of rural buildings is taken into account. I have further concluded that subject to the application of suitable conditions to address setting and appearance, but also to ensure agreement is reached as to an affordable housing contribution, the development would not conflict with the provisions of the development plan in regard to these matters. Whilst occupiers will rely on the use of private vehicles for day-day needs, I consider this disbenefit attracts little weight having regard to the established assembly use of the building to be converted which was largely dependent on use of the private car. The Framework guides that proposals for sustainable development should be approved wherever possible and whilst these matters are finely balanced I consider, having taken all matters raised into account, the appeal should succeed subject to the conditions I have mentioned, together with the usual plans and timing requirements.
11. Consequently, having taken all matters raised into account, my reasoning directs that the appeal should succeed.

Andrew Boughton

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The construction of the development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development shall be completed in accordance with the following approved plans: HP-RM-01; HP-RM-03; DWG 01; Drg.No.2983/11; Drg.No.2983/12.
- 3) No development shall take place until a scheme for an affordable housing contribution, for the purpose of providing off-site Affordable Housing in the Council's administrative area, has been submitted to, and agreed in writing with, the local planning authority. Such scheme shall specify the amount, timing and mechanism for payment of the contribution.

- 4) Prior to the commencement of the development hereby approved a scheme for the removal and or demolition of any parts of other buildings affected by or touching the development shall be submitted to, and approved in writing by, the local planning authority. The details provided shall include full elevational and plan details and details of all making good.
- 5) Prior to the first occupation of any dwelling hereby approved, flood risk mitigation measures shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Assessment by Southwest Environmental Limited, Document Ref. S22-805/FRA (dated April 2024) and Proposed Section Plan Drg. No. 2983. These measures shall be retained in place for the life of the development.
- 6) Each individual safe refuge appearing on the plans approved to be constructed at a minimum floor level of 8.7m AOD and ground floor finished floor levels to be set a minimum 150mm above surrounding ground level.
- 7) Notwithstanding the plans hereby approved, details of materials to be used in the external surfaces of the development shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.
- 8) Notwithstanding the plans approved by Condition 2, a scheme for the layout of outdoor amenity areas, access and parking within the appeal site which has previously been submitted to, and approved in writing by, the local planning authority, shall be completed in accordance with the details approved prior to the first occupation of any dwelling hereby permitted.
- 9) Prior to the first occupation of any dwelling hereby approved, details of soft landscaping to include tree planting and hedging within the appeal site shall be submitted to, and approved in writing by, the local planning authority.
- 10) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.