



Appeal Decision

Site visit made on 29 April 2025

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal Ref: APP/E3335/W/24/3357756

Site Adjacent to Llantarnum, Chelston, Wellington, Somerset TA21 9PH

- 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 Anthony Hale against the decision of Somerset Council.
 - The application Ref is 46/24/0004.
 - The development proposed is change of use of land from residential to storage (Class B8 use) with siting of storage containers at Llantarnam, Nursery Lane, West Buckland (retention of part works already undertaken).
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land from residential to storage (Class B8 use) with siting of storage containers at Llantarnam, Nursery Lane, West Buckland (retention of part works already undertaken) at Site Adjacent to Llantarnum, Chelston, Wellington, Somerset TA21 9PH in accordance with the terms of the application, Ref 46/24/0004, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Anthony Hale against the decision of Somerset Council. This application is the subject of a separate Decision.

Preliminary Matters

3. At the time of my site visit the development had been commenced and appeared to accord with the submitted plans. For the avoidance of doubt, I have determined the appeal based on those plans.
4. The address in the banner heading above has been taken from the appeal form as this more accurately and clearly describes the site than that given on the application form and decision notice.

Main Issues

5. The main issues are:
 - whether the site is a suitable location for the siting of storage containers, with particular regard to the provisions of local planning policy; and,
 - the effect of the development on the character and appearance of the area.

Reasons

Whether suitable location

6. The appeal site is located on the southern edge of Chelston, close to the eastern edge of Wellington. As a result, there is no dispute between the main parties that the site is not isolated, is close to a mix of residential and commercial uses, but in the countryside for planning policy purposes. I have no reason to disagree.
7. In this regard, Policy DM2 of the Adopted Taunton Deane Core Strategy 2011 – 2028 Development Plan Document September 2012 (CS) addresses development in the countryside, including that for Class B Business Use. Policy DM2.2. a. supports new, small scale buildings up to 500sq.m near a public road and adjacent to a rural centre within which there is no suitable site available. It also supports, under Policy DM2.2. b. extension to existing businesses where relocation to a more suitable site is unrealistic and the economic benefit of the proposal outweighs any harm to the objectives of the policy.
8. The development seeks to provide storage facilities for the appellants successful and growing business that operates out of a garage located in close proximity to the appeal site. The business itself is located adjacent to the garden to the appellant's house and is constrained in size given the position of the garage adjacent to its side and rear boundaries with access and parking to its frontage.
9. The development comprises small-scale buildings under 500sq.m located close to a public road and adjacent to Wellington and the associated Chelston Business Park and Westpark in accordance with the first part of CS Policy DM2.2. a.
10. With regard to the second part of the policy, the appeal is accompanied by evidence from the appellant in both his Statement of Business Need and Statement of Case advising that there are no suitable sites available within the nearby centre of Wellington or within the nearest business parks. In relation to this, I note that there is a lengthy wait for storage containers, limited access, and with the three main storage providers not having availability for 10 to 16 storage containers rented at one site. As such, this would require the renting of a number of containers from a number of different sites. By reason of the need to travel between a number of sites to access the storage containers, this would make this option unsuitable.
11. However, there is limited marketing or other evidence demonstrating that there is no availability of other buildings or land within these areas that could be rented for storage. Furthermore, limited evidence has been provided demonstrating why the business as a whole would be unsuited to other available sites. In light of this, I cannot conclude that there are no other suitable sites available as required by CS Policy DM2.2. a.
12. Turning to CS Policy DM2.2. b., this allows extensions to existing businesses. While the appeal site is physically detached from the appellants existing business premises, as the development would be providing storage space associated with the business within a very short walking distance on land in the appellant's ownership, there is no doubt in my mind that the development is an extension to the existing business. In this regard there is nothing in the wording to Policy DM2 requiring any extension to the business to be physically attached to the existing building or business.
13. Notwithstanding, CS Policy DM2 further states that extensions to businesses are only permitted where relocation to a more suitable site is unrealistic, and the economic benefits outweigh any harm to the objectives of the policy. Again, and although I have had regard to the appellant's Statement of Business Need and to

the benefits of the close location of the development to the existing business premises, I have been provided with limited evidence to be able to conclude with certainty that relocation of the business to a more suitable site has been considered or is unrealistic. Given this, and given that Policy DM2.2. b. requires any relocation to be unrealistic as well as providing economic benefits that outweigh any harm to the objectives of the policy, there is no need for me to consider the economic benefits of the proposal as part of this main issue. I will however return to this below.

14. It follows from the above that I conclude that it has not been adequately demonstrated that the development is a suitable location for the siting of storage containers, with particular regard to the provisions of local planning policy. As such, the development is contrary to CS Policy DM2, the aims of which I have outlined above.

Character and appearance

15. The appeal site comprises part of a former garden to the adjacent dwelling. The appeal site is well screened from the A38 West Buckland Road by existing landscaping such that it is not highly visible. The appeal site is also screened on approach along Haywards Lane by existing development and frontage hedge planting to adjacent sites.
16. While there are some limited views of the site and existing containers when close to the site entrance, these are glimpsed views through existing hedging with the height and colour of the containers, along with proposed planting, suitably minimising their prominence and visual effect.
17. With this in mind, the containers are, and would be, their most prominent when viewed through the site access and associated gates. However, this view is limited in extent and seen in association with the existing dwellings on Haywards Lane and with the large greenhouse structures to the north-east of the site. In light of this, subject to the containers being single storey, painted green to minimise their prominence, and with further planting to the entrance in accordance with the landscaping plan, the overall massing, design, appearance and scale of the storage units would be appropriate.
18. The development would not therefore, subject to conditions, have a harmful effect on the character and appearance of the area. As such, it complies with CS Policies DM1 and CP8. Amongst other things, these seek to ensure that the appearance and character of any affected landscape, settlement, building or street scene would not be unacceptably harmed by the development and be appropriate in terms of scale, siting and design.

Other Matters

19. The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As the competent authority and given that development will not result in an increase in nutrient loadings at the catchment's wastewater treatment works as people working in or using the development are likely to live in the catchment area, there will be no additional impact on the Ramsar site as a result of the development. As such, I am satisfied that the development is not likely to have a significant effect on the Ramsar site (either alone or in combination with other plans or projects) pursuant to Regulation 63(1) of the Conservation of Habitats and

Species Regulations 2017 Habitats and a project level appropriate assessment is not required.

Other Considerations and Planning Balance

20. The appellant's Statement of Business Need clearly outlines the needs of the business and the benefits from the close location of the development to the garage. In particular, I have had regard to a reduction in business overheads, reducing the need to travel to a site, or sites, further afield from the existing business premises, and associated productivity and time gains. As such, compared to renting storage units or land elsewhere, the location of the appeal site provides a practical and sustainable option, particularly given that the appellant lives within a short walk of the business and appeal site.
21. Furthermore, I have had regard to paragraphs 85 and 88 of the National Planning Policy Framework (the Framework) that state that planning decisions should help to create the conditions in which businesses can invest, expand and adapt, give significant weight to the need to support economic growth and productivity taking into account business needs and to supporting the sustainable growth and expansion of business in rural areas through well-designed, new buildings.
22. The location of the storage units conflict with local planning policies for the location of new small scale business buildings and extension to existing businesses bringing it into conflict with the development plan as a whole.
23. However, I find that it has been demonstrated that the circumstances in this case are exceptional with the benefits to the business and wider economy from the location of the development attracting significant weight. As a result, and given the lack of harm identified to the character and appearance of the area, I am satisfied that the other material considerations in this case clearly outweigh the conflict with the development plan.

Conditions

24. I have had regard to the tests in the Framework in relation to conditions, and the planning conditions suggested by the Council. As the development has already commenced, there is no need for the standard time condition. It is however necessary for a condition to confirm the approved plans in the interests of certainty.
25. In light of my findings above that the development is acceptable due to the benefits to the existing business, a condition is necessary restricting the use in association with the business premises only.
26. A condition is necessary to ensure that the proposed landscaping is provided, and the containers coloured green and single stacked only as detailed on the approved plans in the interests of protecting the character and appearance of the area.
27. A condition is necessary to restrict the times of use of the storage containers in the interests of protecting the living conditions of nearby occupiers.
28. The plans accompanying the appeal include a plan showing the swept path for larger vehicles as requested by the Highway Authority. In light of this and given that there are suitable junctions from the site onto the A38, a further condition related to swept paths as suggested by the Council is not reasonable or necessary.

Conclusion

29. For the reasons given above I conclude that the appeal should be allowed.

C Rose

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with drawing nos: PLA-001 Version: 1 Site Location Plan; PLA-002 Version: 1 Block Plan – Existing; PLA-003 Version: 1 Block Plan – Proposed; PLA-004 Version: 1 Swept Path Plan; and, PLA-005 Version 1 – Landscaping and BNG Plan.
- 2) The premises shall be used for storage purposes only in connection with 2 Ivy Cottage, Haywards Lane and for no other purpose whatsoever in accordance with Class B of the Schedule to the Town and Country Planning (Use Classes) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 3) All planting, seeding or turfing comprised on the approved Landscaping and BNG Plan Drawing Number PLA-005 Version: 1 shall be carried out in the next available planting and seeding seasons; 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.
- 4) The storage containers hereby granted shall be single stacked, retained and coloured dark green to match those existing on the site and thereafter maintained as such.
- 5) The use hereby permitted shall only take place between the following hours: 08:30 to 17:00 Mondays - Fridays and 09:00 to 13:00 Saturdays and shall not take place at any time on Sundays or Bank or Public Holidays.

END OF CONDITIONS