



Appeal Decision

Site visit made on 23 June 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th July 2025

Appeal Ref: APP/E3335/W/25/3362715

Holm Close, Kilton Farm Lane, Kilton, Holford, Bridgwater Somerset TA5 1ST

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Elizabeth Longley against Somerset Council.
 - The application Ref is 3/33/24/002.
 - The development proposed is a change of use of timber outbuilding into live/work unit together with new access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is against a failure of the Council to give notice of its decision on the planning application Ref 3/33/24/002 within the prescribed period. As such, there is no decision notice.
3. The Council have indicated that they would have been minded to refuse the application had they made a formal determination, and raise a number of issues. These have informed the main issues for this appeal.
4. Amended plans were submitted during the application process removing a new proposed access and showing that the development would utilise the existing access to the site. All parties have had opportunity to comment on this plan and as such, there is no harm to natural justice in my determining the appeal on the basis of these plans.

Main Issue

5. The main issue in this case is:
 - whether the appeal site is a suitable location for the proposal having regard to the development strategy and national strategy, with particular regard to access to services and facilities and highway safety.

Reasons

6. The appeal site is located within the open countryside as defined by the West Somerset Local Plan (2016) (LP). LP Policy OC1 states that development is not generally appropriate in the open countryside, except for various exceptions. This is in order to protect the open countryside from damaging development whilst

exceptionally allowing development which is beneficial to the health of the community and/or the local economy to take place.

7. These exceptions include development that is '*provided through the conversion of existing, traditionally constructed buildings in association with employment or tourism purposes as part of a work/live development*'. The supporting text of the policy explains that this is in part, to assist with the provision of jobs in rural areas.
8. No definition is provided of what constitutes a work/live unit. However, LP Policy EC6 sets out that proposals for work/live development will be supported subject to a number of criteria. The supporting text to the policy is clear that its purpose is to encourage the development of viable work/live accommodation which will remain work/live in the long term.
9. The supporting text also sets out that it is 'assumed' that the work/live accommodation is '*a legitimate type of employment premises which will help encourage the formation of new businesses within the area which will help broaden the local economy*'. It further states that the development should represent a legitimate form of employment accommodation which should attract small scale high value businesses to the area.
10. The development would entail a residential property with one room indicated to be studio space. It is set out by the appellant that the development is intended for the son of the appellant but would be suitable for anyone 'working from home'. As a speculative development, it is stated that no existing business is connected to the proposal.
11. The proposal would meet the criteria of LP Policy EC6 in matters such as the integration of employment and residential elements, and through having no adverse impact upon the vitality and viability of existing employment provision. It is however not demonstrated that the development would be for a legitimate type of employment premises/accommodation, or that it would assist with the provision of business or jobs in rural areas.
12. Moreover, it is not demonstrated that the development is in association with employment or tourism purposes. It would therefore not meet this criteria of LP Policy OC1 and would not be beneficial to the health of the community and/or the local economy.
13. A condition requiring that the occupant's main location of employment or business is within the premises would not be precise and would not demonstrate that the employment use is legitimate or, for example in the case of the occupier simply working from home, that it would attract business to the area.
14. As such, the proposal would not meet the requirements of a live/work unit nor support the objectives of LP Policies OC1 and EC6.
15. The proposal would therefore constitute a new residential property within the open countryside, and would not meet any of the other exceptions set out in LP Policy OC1 in this regard.
16. LP Policy TR2 requires development to not generate significant additional traffic movements over minor roads and be located to maximise the attractiveness of modes of transport other than the private car.

17. The proposal would utilise the existing access and so would not result in any highway safety issues in this regard, and given the scale of development, would not generate significant additional traffic movements. However, I observed that, other than a nearby church, there are no services and facilities within the immediate surroundings. The settlement of Holton is not within a reasonable, safe nor convenient distance and as such, occupiers of the development would be reliant on the private car. Other modes of transport would not therefore be attractive. Accordingly, there would be a degree of conflict with LP Policy TR2.
18. I conclude that the appeal site is not suitably located for the proposal as it would undermine the strategic objectives of the development plan and would conflict with the sustainable development principles and plan-led approach endorsed by the Framework. It would also not be located in an accessible location and would be dependent on car travel. The proposal would therefore conflict with LP Policies OC1, EC6, and TR2. It would also conflict with the general sustainable development goals of LP Policy SD1.

Other Matters

19. The additional unit of accommodation would contribute to the Government's broader objective of significantly boosting the supply of homes. The proposal would result in short-term economic benefits arising from the construction process. Economic and social benefits are also likely to arise from the occupation of the unit. There would also be some benefit in terms of the use of green technologies. However, even if the development would make efficient use of previously developed land, given the quantum of development in this case, I give each of these matters minor weight in favour of the scheme.
20. The appellant refers to a recent consent for a holiday use near Kilton. Little detail is provided of this proposal which prevents easy comparison, however a holiday let would be considered under differing policies. As such it is materially different to the scheme before me.
21. For the reasons set out above, the proposal is not suitably located for the proposal as it would undermine the strategic objectives of the development plan and would be dependent on car travel. The minor benefits outlined above do not outweigh this identified harm.

Conclusion

22. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed and permission is refused.

B Phillips

INSPECTOR