
Appeal Decision

Site visit made on 23 September 2025

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2025

Appeal Ref: APP/E3335/W/25/3365103

Garage 8 – 10 Waggon and Horses Yard, Frome BA11 1JA

- 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 M and Mrs A Sims against the decision of Somerset Council.
 - The application Ref is 2024/1636/FUL.
 - The development proposed is change of use and conversion of existing garage building to form two bed holiday let (tourism use).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made in writing by Mr M and Mrs A Sims against Somerset Council. This application is the subject of a separate Decision.

Procedural Matters

3. Some works were in progress at the time of the site visit, and part of the building had been dismantled.
4. The Mendip Local Plan Part II Limited Update was adopted following the submission of this appeal. However, the scope of this Update was largely limited to addressing a High Court judgment, and in respect of Frome, policies appear confined to the allocation of a housing site. The local policies, on which the Council's original decision was made, remain relevant.

Main Issue

5. The main issue is whether the proposal would provide suitable holiday accommodation, having regard to outlook, disturbance and daylight.

Reasons

6. The appeal property is a former garage built into the boundary wall of a yard which functions as a residential parking area. This area comprises a mix of garages (one of which is attached to the appeal property) and hardstanding for parking and turning of vehicles. It also provides access to the rear of some properties that front Gentle Street. The yard has one opening, near to the appeal property, and is otherwise a relatively enclosed space.
7. The proposed holiday unit would comprise a living room and kitchen at ground floor level and two bedrooms at the first floor. New openings would be installed on

the south and west elevations, but the outlook from these windows would either be of the parking spaces for the proposed unit or of the wider parking area in the yard.

8. Indeed, the submitted drawings show no buffer between the front door of the new unit and the wider yard. As such future occupants would be confronted by the parking and turning area used by residents of other properties, immediately at their front door and when looking from the windows on this west elevation. From this aspect, the outlook from this unit would be dominated by hardstanding capable of accommodating in the region of 16 vehicles. Also, the southern side of the new unit would have an outlook dominated by the parking spaces immediately fronting this part of the property, and the entrance to this car park.
9. In such close proximity to an area predominantly designed for the use of vehicles, future occupants of the holiday let would likely be disturbed by car noise and the glare of headlights when vehicles enter, turn and park close to the property.
10. The appellant's Noise Assessment indicates that there would be no significant harm in respect of noise disturbance. However, the Assessment shows a relatively low background level during the nighttime, and that car noise, though potentially intermittent, would nonetheless be at a level that would exceed the sound level (shown in figure 2 of that Assessment) to an extent that could increase the risk of adverse effects. Also, very limited consideration has been given to the potential noise generated by individuals leaving their vehicles and having conversations in this area at night.
11. Car engines, closure of car doors as well as voices of the individuals using these cars are all potential sources of noise disturbance that could occur very close to the new unit. During the day when the background sound level is higher, this would unlikely be disruptive. However, I find nothing that would prevent cars arriving during the night or in the early hours. Even if this event was infrequent, these sources and types of noise, when the ambient sound level is low, are likely to disturb sleep, and this potential disturbance could be a regular occurrence given the nature of the yard in which the property is located. Unlike other living accommodation in this locale, the appeal property is positioned directly at the main entrance to the yard and has no significant standoff from these noise generating activities.
12. The Noise Assessment states that the car park is small. However as already stated it can accommodate a significant number of vehicles, and future occupants of the proposed accommodation would have little control over the coming and goings of the vehicles passing close to this property. Noise of cars entering and exiting the yard would be evident to future occupants. Moreover, the noise of car doors closing, voices of passengers and engines starting close to the living room and bedrooms of this property would also likely disturb future occupants during the night. The Acoustic Design Statement could be conditioned, but even with such measures, for the reasons outlined above I am not persuaded that future occupants would not be regularly disturbed during the night by these noise sources.
13. The Air Quality Assessment states that the air quality objectives would be met in this proposed development and I find no reason to dispute this conclusion. However, when windows of the property are open or when using the front door, future occupants would be aware of the concentration of vehicles using this

relatively enclosed space. While the occurrence of fumes may not result in a significant adverse impact in terms of air quality, fumes nonetheless would likely be perceived as a negative feature in the immediate vicinity of this accommodation, that in combination with the poor outlook, glare of car headlights and noise associated with parking, would cumulatively contribute to unsatisfactory conditions for this proposed use in this setting.

14. Focusing on the glare of headlights, it is suggested that black out curtains could be used. However, a condition of this nature may not satisfy the test set out in the national guidance in terms of enforceability.
15. The large tree to the east provides significant shading over the site, and the alley also has an enclosing effect on this aspect of the appeal property. However, the proposed new openings on the west and south elevation would be a reasonable size such they would allow a satisfactory level of day light to reach the ground and first floor habitable rooms. Be this as it may, this alone would not address the other factors described above, and the negative features identified, when combined, would result in a poor quality of accommodation for future users.
16. I note the similarity of the Council's reasons for refusing planning permission in this case to another Inspector's findings in an appeal decision for a proposal for a residential unit at this location. Addressing this, while this proposal may differ from that previous scheme, I find nothing before me that would prevent future users occupying the holiday let for a significant duration and if they were to do so, they would endure unsatisfactory conditions not conducive with their wellbeing.
17. It is asserted that the outlook of this scheme would be preferable to that of the office use that is lawfully permitted at this property. Even if I accept this, the expectation of users of an office with regards outlook is very different than that which should be reasonably expected in holiday accommodation.
18. Attention is drawn to other existing examples where properties have an outlook that is dominated by parking. With regards the Butts, the number of parking spaces are considerably less than exist in the yard near the appeal site. Also, those spaces appear mainly associated with the dwellings they front, and as such, those occupants have a greater degree of control over the cars that use those spaces than would be the case at the appeal property. In any event, circumstances elsewhere should not justify poor quality development at this location.
19. The appeal property has Listed Building Consent related to this proposal. I will address heritage matters in due course. This aside, the planning application process deals with matters separate to those considered in the Listed Building consenting regime.
20. For the reasons outlined, I find that this proposal would provide unsuitable holiday accommodation for future users, having regard to outlook and disturbance. The proposal in this respect would conflict with Policy DP7 of the Mendip District Local Plan Part 1: Strategy and Policies. This Policy states that development should demonstrate that they, amongst other matters, protect the amenity of users of neighbouring buildings and land uses and provide a satisfactory environment for current and future occupants.

Other Matters

21. The yard, in which the appeal property is an integral part, previously functioned as part of the Grade II listed former Waggon and Horse Public House. This listed building dates from the 17th Century and has a traditional form, constructed in local building stone. This local vernacular is particularly distinct when viewed in the context of other similar historic properties fronting Gentle Street.
22. The appeal property is to the rear of this, and while this wider curtilage of the listed building retains some of the qualities of a yard, as already indicated, it is now dominated by garages and parking spaces. Historic interest from this rather enclosed space is largely limited to layout, the rear upper floors and roof tops of buildings on Gentle Street, the traditional style and scale of outbuildings at the edge of the yard (which includes the appeal property) and the stone walls and elevations that provide some coherency in this space.
23. The property is also in the Frome Conservation Area, which covers this historic market town. Significant positive features relevant to this site include the eccentric layout of this hillside settlement with alleys and walkways at its core. The site is bounded by the high stone wall that forms part of such an alleyway.
24. The proposal would not significantly alter the footprint or scale of the existing structure. The traditional form would be retained, and local stone would be used. While there would be parking spaces for the unit, as already covered, this space is already dominated by cars. Alterations would be largely confined within the yard area, with changes to the high wall generally limited to the replacement of an existing window visible in the alleyway. The changes would be in keeping with the prevailing local vernacular and the yard layout, with subservient outbuildings at its edge, would be generally maintained. Given these factors, I agree with the Council, that this proposal would preserve the special features of this curtilage and setting of the listed building and the character or appearance of this part of the Conservation Area.
25. The significance of the designated heritage assets would be conserved under this scheme. As less than substantial harm has not been identified in this case, the heritage balance set out in the National Planning Policy Framework (the Framework) is not applicable. Even if it was, the evidence shows that the site benefits from an extant permission for a change to office use.
26. The appellant asserts that the lawful office use would be more intensive than if it was to function as a holiday let. However, the approved alterations to this former outbuilding are similar in style and scale to this appeal scheme and also resolves features considered unsympathetic in this historic setting, such as the contemporary garage door. Moreover, although comprising three offices, the building is small and unlike the holiday let, the offices are not likely to be in use on a regular basis late night and in the early hours.
27. It is highlighted that there are vacant office units in the town. However, no compelling evidence has been advanced that the lawful use at the appeal site is unviable. In light of the above factors, an optimum viable use is already in place.
28. The principle of the holiday let in this location is not in dispute. Nor is the effect of the proposal on the character and appearance of the area or ecology. Proposal

should not be harmful in these regards, and these factors attract limited weight accordingly.

29. The appeal property is very well related to services and can be accessed by modes of transport other than the car. These matters weigh considerably in favour of the proposal at this location. There would be some economic and environmental benefits as a result of the refurbishment of the building and its eventual use, but these benefits would be small given the scale of the development.
30. The Framework states that good design is a key aspect of sustainable development and development that is not well-designed should be refused. For the reasons stated above, this proposal would not provide a high standard of amenity for future users. It would not be well-designed tourist accommodation in this regard.
31. It is stated that tourist accommodation is in demand in the town. However, the small benefit of a net gain of a single holiday unit that would arise in this case is considerably countered by the poor quality of the resultant accommodation. Also, given that the proposal would not deliver satisfactory accommodation, even though it would use previously developed land, the scheme could not be considered an appropriate opportunity to remediate derelict land, nor would the development comprise an effective use of land for this reason.
32. The adverse impacts with regards amenity significantly and demonstrably outweigh the limited environmental, social and economic benefits, when assessed against the policies of the Framework taken as a whole.
33. I understand a revised planning application related to the appeal site has been submitted to the Council, the determination of which has been delayed. However, that is a matter between the Council and the appellant.

Conclusion

34. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Having regard to the development plan and other material considerations, including the Framework, the appeal should be dismissed.

A J Sutton

INSPECTOR