

Appeal Decision

Site visit made on 23 September 2025

by **R Cahalane BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 October 2025

Appeal Ref: APP/E3335/W/25/3365919

The Grange, Old Wells Road, Whatley, Frome BA11 3JU

- 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 R Witt against the decision of Somerset Council.
- The application Ref is 2024/1981/FUL.
- The development proposed was described as "change of use to form one dwelling".

Decision

1. The appeal is allowed and planning permission is granted for change of use from Air BnB to form one dwelling at The Grange, Old Wells Road, Whatley, Frome BA11 3JU in accordance with the terms of the application, Ref 2024/1981/FUL, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan (produced 03 January 2024) block/roof plan (dated August 2024); proposed floor plans and elevations (drawing number 1608/2 revision C).

Preliminary Matter

2. In my above decision, I have used the description of development from the decision notice rather than the application form. This is because the Local Planning Authority (LPA) gave approval in 2024 for conversion of the appeal building to a holiday let and during my site visit, the appeal building was clearly in use as such. I have determined the appeal accordingly.

Main Issue

3. The main issue is whether the location of the proposed change of use would be suitable having regard to the development plan and accessibility to services and facilities.

Reasons

4. Core Policies (CP) 1 and 2 of the Mendip District Local Plan Part 1: Strategies and Policies (MDLP Part 1) (Adopted 2014) set out the spatial strategy for the District. It directs the majority of development to the five principal settlements of Frome, Glastonbury, Shepton Mallet, Street and Wells. Any proposed development outside and beyond the edge of the spatial development limits will be strictly controlled and will only be permitted where it benefits economic activity or extends the range of facilities available to the local communities.

5. The appeal building forms part of a scattered and small rural settlement of Lower Whatley, which is not designated as a primary or secondary village. It is thus outside of a development limit boundary as shown on the MDLP Policies Map.
6. Development Policy (DP) 9 of the MDLP Part 1 states that development proposals will be supported where they, amongst other things, make safe and satisfactory provision for access by all means of travel (particularly by means other than the private car). During my site visit, I noted that the nearest primary village of Nunney contained some everyday facilities including a village shop, a first school, a café, a church and a public house.
7. However, I found that the most direct walking route from these facilities to the appeal site, including a significant section of public footpath network, was beyond what could reasonably be described as an everyday walking distance. In terms of quality, the public footpath route is unlit and is also narrow at points, with uneven and undulating sections, and muddy patches. To my mind, the overall distance and quality of this route would therefore prove physically challenging for some pedestrians and would be hazardous for cyclists.
8. The appeal building is even further away from the nearest principal settlement of Frome, eastbound along Old Wells Road. At a short distance east of the appeal site vehicular entrance, the signed speed limit on Old Wells Road changes from 30mph to the national speed limit (60mph), and there are no footways in this location. Given the distance and the highway characteristics, the appeal building is not within reasonable everyday walking or cycling distance to Frome town.
9. The distance from the appeal building to St George's Church and the nearest bus stop beyond on the A36, westbound via Old Wells Road, is notably shorter. It took me approximately 20 minutes to walk this route to the bus stop and it is unlit, with mainly no footway. Although this section of Old Wells Road is subject to the 30mph speed limit, it did not always feel particularly safe to walk along due to its bends and undulations. Along the route, I noted signs advertising a coffee morning and a music night with bar at this church. This suggests that at certain times, this facility doubles up as a community hub as put to me by the appellant.
10. Despite this, overall, the location of the proposed change of use to a dwelling would be isolated from everyday services and facilities in terms of distance and accessibility constraints. Future residents would therefore be likely to be dependent on use of private vehicles. In this respect, the appeal proposal is contrary to CP1, CP2 and DP9 of the MDLP Part 1, the relevant requirements of which are already set out above.
11. I therefore conclude that the appeal scheme is not within a suitable location having regard to the development plan and accessibility to services and facilities.

Other Matters

12. The application site red line, as shown on the location plan dated 03 January 2024, includes a large existing parking area beyond the appeal building to the south. I am therefore satisfied that future occupiers of the appeal proposal would be provided with sufficient car parking.
13. CP4 of the MDLP Part 1 states that rural settlements and the wider rural area will be sustained by various defined types of development. The proposed change of

use to provide an open market dwelling would however not be a type of development that is supported by CP4. The lack of policy support in this regard neither weighs in favour nor against the appeal scheme.

Planning Balance

14. I have found the proposal to be in conflict with CP1, CP2 and DP9 of the MDLP Part 1 in terms of accessibility to services and facilities. Hence, the appeal scheme is contrary to the development plan as a whole.
15. The LPA accepts that it cannot demonstrate a five-year housing land supply. The Council's Statement on Five Year Housing Land Supply dated July 2025 sets out a 2.84 year supply. This includes a 20% buffer to reflect recent under-delivery in the District, as measured in the last national Housing Delivery Test. This amounts to a substantial undersupply and therefore, the approach set out in paragraph 11d) of the National Planning Policy Framework (the Framework) applies.
16. There is nothing before me to indicate a change to the above situation, or that the policies in Footnote 7 of the Framework are relevant in this case. Framework paragraph 11d)ii is therefore applicable. It states that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to specified key policies. Framework paragraphs 84 and 110 are identified as key policies in this respect, and I consider that they have relevance to this case.
17. Framework Paragraph 84 c) sets out that planning decisions should avoid the development of isolated homes in the countryside unless the development would re-use redundant or disused buildings and enhance its immediate setting. The main parties are in dispute as to whether the proposal is isolated. Having regard to the relevant case law¹, the word "isolated" in this context simply connotes a dwelling that is physically separate or remote from a settlement. In this respect, I have already concluded that the proposal is isolated.
18. Although the appeal building is currently in use, I have no reason to dispute that it is redundant in terms of no longer being needed or useful. Whilst the change of use cannot be said to visually enhance its immediate setting, the lack of external alterations proposed means that the appearance of the appeal building would nonetheless be preserved. Taken as a whole, the appeal scheme therefore derives much support from Framework Paragraph 84 c).
19. Framework Paragraph 110 seeks to promote sustainable transport particularly for significant development. However, it also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision making. As a holiday let, the appeal building already generates a degree of private car use. An unrestricted dwelling use would therefore not lead to a significant increase in private car trips.
20. The proposal would re-use an existing building and would make a small but positive contribution to the District's housing supply. Such small sites can cumulatively make an important contribution to meeting the housing requirement

¹ *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd* [2018] EWCA Civ 610 (page 11, paragraph 31). This Court of Appeal (CoA) finding is also endorsed by another CoA judgment: *City and Country Bramshill Ltd v SSHLG and others* [2021] EWCA Civ 320 – namely at pages 10-11, paragraphs 31-33.

of an area. Moreover, whilst the appeal site is within the countryside for planning policy purposes, due to its developed extent, to my mind it does not form open or undeveloped countryside that the MDLP seeks to protect for its intrinsic value.

21. Overall, in this case, the harm arising from the reliance upon the private car for the single dwelling proposed would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework. It follows that the presumption in favour of sustainable development applies and is a significant material consideration that weighs in favour of allowing the scheme.

Conditions

22. The LPA has explicitly chosen not to recommend any planning conditions in the event that I allow the appeal. However, I consider that a condition specifying time limits for the development (condition 1) is necessary in the interests of planning certainty. Condition 2 is necessary to clarify the approved plan details.

Conclusion

23. For the reasons set out above, the proposed development would conflict with the development plan. However, material considerations, including the Framework and the benefits arising from the development, justify making a decision other than in accordance with it. The appeal is therefore allowed.

R Cahalane

INSPECTOR