



Appeal Decision

Site visit made on 11 November 2025

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 November 2025

Appeal Ref: APP/E3335/W/25/3370268

45A Overleigh, Street, Somerset, BA16 0TR

- 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 N Warren against the decision of Somerset Council.
 - The application Ref is 2025/0376/FUL.
 - The development proposed is permission for construction of a studio outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have adopted the description of development from the decision notice, but deleted the reference to “*retrospective*” and “*Revised application form*” as these are not acts of development and are therefore superfluous.

Main Issues

3. The main issues are: (a) whether the development results in an intensification of the use of the site that harms the living conditions of neighbours, and (b) the effect of the development on the character and appearance of the host property and surrounding area, with particular regard to its impact on a heritage asset.

Reasons

Intensification of use - living conditions - neighbours

4. The appeal site comprises a large detached two storey house that I understand was constructed in 2006. It forms part of a small group of dwellings that front onto Overleigh. The host property has a small garden at the front set behind a low stone wall and a driveway that leads to an integral garage. In the southeastern corner of the front garden is a single storey flat roofed building that is used as a studio for the Appellants daughter’s beautician business. As the appeal proposal is already in place retrospective planning permission is sought to retain the building (use).
5. I understand that the business operates on a pre-booking basis with one client per booking and is open 4 or 5 days a week depending on the level of bookings. It is open in the evenings and at weekends, subject to bookings. It would appear that appointments can last from 15 minutes to 1+ hours and there is reference to some 120 clients. However, I also note that the Appellants Statement of Case (ASOC) indicates that it is unclear how the business will develop.

6. The appeal proposal is essentially a commercial business operating from a purpose-built building. The surrounding area is predominantly residential, and it is a location where you would not expect a new standalone commercial business, even on this scale and nature, to be located and to operate.
7. The host property is a four-bedroom house with, I understand, parking for three vehicles. It could generate the average traffic and footfall that you would expect to see with that level of accommodation from the occupiers, visitors, as well as from deliveries. The traffic and footfall associated with the proposed business will be over and above that normally associated with this type of property. As such, I agree with the Council that the studio use is not proportionate to the residential use of the host or the area, and represents a level of intensification that is detrimental to the living conditions of local residents.
8. In this respect, it is notable that there is very little, if any, information on the how the business operates daily, in terms of the average or a maximum number of clients that can be catered for, average stay and whether they arrive on foot or by car. It would also appear that the business operates in the evening and at weekends, and thus at times when it would be reasonable for local residents to expect to be able to enjoy the peace and quiet of their gardens and properties. Interested parties have provided anecdotal evidence that traffic and footfall have increased since the appeal business started, as has noise and disturbance, which they allege has resulted in harm to their living conditions.
9. In response, the Appellant suggests that most clients walk to the appeal site but provide no evidence to support that statement, other than a photograph taken at 12PM on a weekday showing available parking on Overleigh. That is simply one snapshot and cannot be taken on its own as evidence to support the Appellants statement. The Appellant also suggest that the traffic and footfall generated daily by the appeal use is no different to that generated by family friends and visitors. I do not agree and again there is no substantive evidence to support that statement.
10. The proposal introduces a standalone commercial business into a residential area with the potential for increased activity throughout the day, evening and weekend. As such and based on the evidence before me, the appeal proposal leads, in my view, to an inappropriate intensification of the use of the site that is harmful to living conditions. The business already has 120 clients and there appears to be potential to increase that number. It would not, in my view, be possible to restrict the number of clients as any contravention would be difficult to detect and monitor and thus enforce, and would also place an unreasonable burden on the Council.
11. Whilst I accept the economic benefits of the business and sympathise with the personal circumstances of the Appellants daughter, these considerations do not outweigh my findings on this issue. I note that the Appellant suggests that there are no alternative premises available in Street for the proposal, but this appears to be based largely on a review of properties to let on Rightmove. Interested parties have challenged this statement and there is no survey, for example, of units assessed within the town centre. I am not convinced, therefore, that this search has been rigorous or thorough. Even so, the lack of an alternative unit would not be sufficient on its own to mitigate for or to outweigh the harm to living conditions.
12. The Appellant suggests that the studio is only likely to be required for a temporary period of 3 – 5 years and could be conditioned accordingly. However, a temporary

permission would be suitable if a trial run were required to assess the effect of the development or where planning circumstances may change. My attention has not been drawn to any likelihood of the latter and as to the former the use has already operated for a number of months. For these reasons and given my findings on the harm to living conditions, a temporary permission would not be appropriate.

13. Accordingly, I find that the appeal proposal results in the intensification of the use of the site that is not proportional to the host or residential locality and is detrimental to the living conditions of neighbours contrary to policies DP1 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies (MDLP). These policies seek to ensure that, amongst other requirements, new development is of a scale, form and layout that is appropriate to its context, it protects the amenities of neighbouring users and provides a satisfactory environment for existing and future users.

Character and appearance

14. The appeal site lies within the Street Conservation Area (SCA). Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires, therefore, that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. Similar advice is to be found in the National Planning Policy Framework (NPPF) and in policy DP3 of the MDLP. The Council also allege that the proposal would be contrary to policy DP1 '*Local Identity & Distinctiveness*' and DP7 '*Design and Amenity of New Development*' of the MDLP.
15. The designation of the Conservation Area is supported by the Street Conservation Area Appraisal (CAA). As such, I have based my assessment on the CAA, the submitted evidence and my observations on site.
16. The CAA states that there are two elements to the SCA, one of which is the area around the town centre and the other referred to as Middle Leigh and Overleigh. The appeal site is located in Overleigh which in the medieval period was a small hamlet that changed in the 19th Century following suburban expansion. The CAA continues by confirming that Overleigh has a definitive charm and special historic character that emanates from not only its rural character but also from its historic built form that includes Overleigh Farm, the old school and Kingstown Cottages (to the west of the appeal site). The character analysis for the area also refers to the importance of the allotments, to the south of the appeal site, as part of the historic landscape context to Overleigh.
17. The CAA confirms that Overleigh lane itself, which winds through the area, forms a distinctive part of its rural character. The special interest of the Kingstown cottages derives largely from their closely interlinked arrangement of modest sized cottages, with mall courtyards and gardens. With their principal elevations and those of other properties facing onto the road, with examples of stone walls, Overleigh lane has a strong established streetscene.
18. All of the above factors contribute, in my judgement, to the special interest and significance of the SCA as a whole.
19. Within the above context, the appeal building, with its contemporary box style and flat roofed appearance is highly visible and prominent within the streetscene. It is not, as has been argued by the Appellant, comparable to a typical garden shed. With its light grey timber effect cladding, dark grey membrane roof and uPVC door and windows it has the appearance of a portacabin. The poor quality of its design

and pallet of materials are at odds with and not in keeping with the character of the host or surrounding properties. Overall, it represents an unsympathetic addition to the streetscene that is out of character with its established built form resulting in a harmful impact on the special interest of what is an important part of the SCA.

20. It is also a cramped form of development, the result of a large building sited within such a small part of the front garden, hard up against the low stone wall to the lane as well as to the side boundary with Barleigh Barn, to the east. As I observed on my site visit, the appeal building rises high above the side boundary to Barleigh Barn resulting in an awkward and poor building relationship with that property.
21. The Appellant refers to a timber garden shed at Tumbledown Cottage and to the allotment sheds opposite. I have not been provided with any planning background to these, but in any case, none are comparable in terms of their scale, use, layout and materials to the appeal proposal. It's possible they existed before the SCA was designated or involved permitted development or do not benefit from permission. Even so, each application should be considered on its individual merits having regard to its local context and that is the approach that I have adopted here.
22. Accordingly, I find that the appeal proposal results in harm to the character and appearance of the area contrary to policies DP1 and DP7 of the MDLP. These require, amongst other requirements, that new development contributes positively to the maintenance of local distinctiveness, that it should be of a high quality and that its scale, mass, form and layout is appropriate to the host and its context.
23. I also find that the appeal proposal does not preserve or enhance the character or appearance of the SCA. In view of the latter finding and as is required by the NPPF, considerable importance and weight must be attached to the harm to this heritage asset. The appeal proposal leads to less than substantial harm to the significance of this heritage asset. Whilst the level of harm, within that category, is towards the lower end, as I confirmed, considerable weight must be attached to this harm and weighed against any public benefits of the development.
24. I accept that the proposal secures employment benefits and assists what is a start up business. Even so, I would only accord limited weight to these benefits, and they are not sufficient to outweigh the harm that I have identified. I also recognise the personal circumstances of the Appellant's daughter, but neither these or the above benefits, either individually or cumulatively, nor any other public benefits delivering economic or social or environmental objectives are sufficient to outweigh the harm I have identified to the significance of the heritage asset.
25. Accordingly, I find that the appeal proposal is contrary to policy DP3 of the MDLP and paragraphs 135, 202, 210, 212 – 213 and 215 of the NPPF.

Conclusions

26. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR