



Appeal Decision

Site visit made on 16 December 2025

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2026

Appeal Ref: APP/E3335/W/25/3368314

The Garage, High Street, West Coker, Yeovil BA22 9AN

- 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 Jeff Burrow, West Coker Garage Ltd against the decision of Somerset Council.
 - The application Ref is 21/01040/FUL.
 - The development proposed is conversion of the first floor of an existing building from a store room to a two bedroom flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form as neither party has provided written confirmation that a revised description has been agreed.
3. The appeal site lies within the catchment of the Somerset Levels and Moors Ramsar site and as such the appeal is accompanied by an updated Phosphorous Budget Calculator, Nutrient Neutrality Assessment and Mitigation Strategy, revised car parking plan and Flood Risk Assessment. This information has been submitted in response to the first, third and fifth reasons for refusal. Although this information has not been subject to formal public consultation, the Council have provided comments in relation to some of these updates. In light of this, and given my findings below, accepting this evidence at this stage would not be unfair and would not deprive those who should have been consulted the opportunity of such consultation. Therefore, having regard to the principles of Holborn¹, acceptance of the details would not be procedurally unfair and as a result I have taken this information into account in determining this appeal.
4. Furthermore, during the course of the appeal the Council confirmed that the required corrections to the phosphorous calculations were made with a Wessex Water Utilities Map provided. In light of this, and as there is already a connection to the mains sewer, the Council advised that phosphate credits will need to be purchased as shown within the shadow Habitats Regulations Assessment to mitigate additional nutrient loads. As a result, the Council suggest three further conditions to deal with the phosphate neutrality issue forming the first reason for refusal. I will return to this below.

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

Main Issues

5. The main issues are:

- whether the proposal would harm the living conditions of future occupiers with particular regard to noise and odour;
- the effect of the proposal on highway safety with particular regard to the provision of car parking;
- the effect of the proposal on protected species; and
- whether the proposal would be acceptable with regard to flood risk.

Reasons

Living conditions

6. The proposed dwelling would be located above the shop and immediately adjacent to the vehicle repair garage, workshop and MOT testing station and petrol pumps. The proposed new entrance to the dwelling would lead out directly onto the existing forecourt of the business.
7. At the time of my site visit, and although only a snapshot in time, the shop, vehicle repair garage, workshop and petrol pumps were in use and generating a level of noise and activity, particularly from vehicle engines and comings and goings. This, alongside activity related to the shop and MOT testing station, has the potential to cause levels of noise and odour that could affect the living conditions of future occupiers of the proposed dwelling, particularly in summer months when windows are more likely to be open.
8. Although I acknowledge that the A30 generates noise, the appeal is not accompanied by substantive evidence to identify the noise or odour levels generated by the shop/garage activities, nor to explain how any impacts would be addressed if necessary. In the absence of this information, it is not possible to reasonably conclude that the proposed and existing uses could operate alongside one another without causing harm to future occupiers.
9. I have had regard to the letters from neighbouring properties raising no concerns regarding noise and odour. However, these dwellings are not located above the shop with direct access onto the forecourt with the associated buildings a slightly greater distance from the workshop. As such they do not have a directly comparable relationship. Furthermore, comments from another resident raise concerns regarding noise and odour and I am required to consider the appeal on its merits.
10. Accordingly, it has not been satisfactorily demonstrated that the living conditions of future occupiers would be appropriately safeguarded. As such, the proposal would harm the living conditions of future occupiers with particular regard to noise and odour. It is therefore contrary to Policy EQ2 of the South Somerset Local Plan (2006 – 2028) Adopted March 2015 (LP). Amongst other things, this states that development will be designed to achieve a high quality and protect the residential amenity of new dwellings.

Highway safety

11. During the course of the planning application, the two parking spaces proposed to serve the development were moved from Manor Street and its junction with the A30 to within the garage forecourt. This was due to concerns that the originally proposed parking spaces would interfere with the safe functioning of the associated junction.
12. In order to address the Council's concerns regarding the effect of the relocated spaces potentially impacting upon the use of the petrol pumps and/or MOT garage and safety of proposed occupiers accessing the spaces through the forecourt, the appeal is accompanied by an amended parking plan.
13. The amended plan details an allocated parking area measuring 2.4m wide by 7.5m long adjacent to the shop and workshop off Manor Street. Notwithstanding that the area is only long enough to accommodate a single vehicle, I note from the photographs accompanying the appeal that the area has historically been used for parking and it was in use for parking at the time of my site visit. Furthermore, from my site visit the proposed parking area did not appear wide enough to accommodate a car without it overhanging the road or blocking access to the workshop, the door to which was open and in pedestrian use at the time of my site visit. As a result, and given the potential impact upon highway safety from narrowing the carriageway at a point where there is no footway, and lack of substantive evidence demonstrating no harmful impact upon the operation of the workshop, it has not been adequately demonstrated that the proposal would result in additional parking that can be provided without conflict to pedestrian/highway safety or to the operation of the workshop. This would be the case despite the provision of an EV charging point.
14. It follows from the above that the proposal would have a harmful effect on highway safety with particular regard to the provision of car parking. As such, the proposal is contrary to LP Policies TA5 and TA6. Amongst other things, these require that all new development address its own transport implications, ensure that parked vehicles would not compromise the safety and/or function of the road networks and apply the Somerset County Council Parking Strategy.

Protected species

15. LP Policy EQ4 states that where there is a reasonable likelihood of the presence of protected and priority species development design should be informed by, and applications should be accompanied by, a survey and impact assessment assessing their presence. It goes on to state that if present, a sequential approach to the design of the proposal should be taken that aims first to avoid harm, then to lessen impact and lastly make compensatory provision.
16. While I acknowledge that the appellant states that advice has been taken from multiple organisations, including a site visit, with no evidence of protected species identified, this is not supported by substantive evidence from a suitably qualified person.
17. In comparison, the Council's Ecologist has identified that the building appears to have a number of potential roosting features, particularly on the roof and cladding. From my site visit and given the location of the site close to a network of trees and watercourse, I have no reason to disagree and find that there is a reasonable

likelihood of the presence of protected species. As a result, and especially given that the proposal includes the insertion of rooflights, assessments are required to demonstrate that protected species would not be harmed in accordance with the sequential approach.

18. I have had regard to the appellants offer to undertake the necessary assessments outside of the appeal time frame via a condition. However, it is essential that the presence of protected species, and the extent that they may be affected is established before planning permission is granted so that an informed decision on any impact can be made and as the presence of any protected species may need to inform the final design and layout of the proposal.
19. As a result, and in the absence of suitable surveys, it has not been adequately demonstrated that the proposal would not have a harmful effect on protected species. As such, the proposal is contrary to LP Policy EQ4, the aims of which I have outlined above.

Flood risk

20. The appeal is accompanied by a Flood Risk Assessment that states that in 2004 a new 300mm surface water drain was constructed in Manor Street and that subsequently there have been no flooding events in Manor Street. It further states that there would be no change to water run-off as a result of the proposal comprising the conversion of an existing building. The appeal is not accompanied by a Sequential Test.
21. I have not been provided with copies of the Environment Agency flood maps, but there is no dispute between the main parties that the site lies within Flood Zone 2. Flood Zone 2 is classified as a medium flood risk area from rivers and the sea. Given the location of the appeal site, it is likely that the Flood Zone 2 classification relates to flooding from the nearby watercourse as detailed on the maps of the surface water drainage works provided by the appellant.
22. Regardless of any historic drainage works, Paragraph 170 of the National Planning Policy Framework (the Framework) states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'
23. Paragraph 173 of the Framework states that a sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding. Paragraph 174 of the Framework seeks to steer new development to areas with the lowest risk of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).
24. In the absence of the detailed flood maps, given the agreement by the main parties that the site lies within Flood Zone 2, and given that the submitted Flood Risk Assessment does not confirm whether the site, including access or escape routes,

would be located on an area that would not be at risk of flooding from any source, now and in the future, I cannot conclude that the Sequential Test is not necessary.

25. While the Planning Practice Guidance (PPG) has been updated in relation to applying Paragraph 175 of the Framework² to apply a proportionate approach, this relates to surface water flooding. As I cannot conclude beyond doubt from the information before me that the site is not at risk from other sources of flooding, and as the Flood Risk Assessment does not demonstrate clearly that the proposal would remain safe from current or future surface water flooding, this does not change my findings above.
26. It follows, that in the absence of further information, I cannot conclude that the Sequential Test is not required and cannot conclude that the proposal would be acceptable with regard to flood risk. As such, it is contrary to LP Policy EQ1 which, amongst other things, states that development will be directed away from medium and high flood risk areas using South Somerset's Strategic Flood Risk Assessment as the basis for applying the Sequential Test.

Other Considerations

27. I have had regard to the addition of a dwelling contributing towards the supply of affordable homes in the area, its location well related to services and facilities, the fact that the proposal could be built out quickly, would provide benefits from spend and jobs associated with construction, would provide some security surveillance and would refurbish and maximise the use of the building. These matters weigh in favour of the proposal. However, these benefits are limited by the small scale of the proposal and must be considered in that context.
28. I note that no concerns have been raised by the Council regarding the impact upon the living conditions of neighbouring occupiers subject to the obscure glazing of the proposed first floor window facing Anroblen. However, as this is a requirement of local and national planning policy and guidance, I give it limited weight.
29. Conversely, I have found that the proposal fails to adequately demonstrate no harm to the living conditions of future occupiers, that it would not cause harm to highway safety, would not cause harm to protected species or that future occupiers would be safe from flood risk. The relevant policies are largely consistent with the Framework where it seeks a high standard of amenity for future users, avoid unacceptable impacts on highway safety, conserve and enhance the natural environment, and avoid flood risk to people. Therefore, the proposed development would be contrary to the development plan as a whole and I give significant weight to the conflict with these policies.
30. There is no dispute between the main parties that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. However, I have found above that the proposal would cause harm to flood risk. This is contrary to the provisions of Chapter 14 of the Framework. Given footnote 7 to Paragraph 11 d) i. of the Framework, and the harm I have identified to assets of particular importance in the form of flood risk, this provides a strong reason for refusing the development and there is no need for me to carry out the assessment in Paragraph 11. d) ii. of the Framework.

² Paragraph: 027 Reference ID: 7-027-20220825

31. In any case, and even if there were no harm to flood risk, the benefit from a single dwelling is limited by its scale. Conversely, it has not been adequately demonstrated that there would be no harm to living conditions of future occupiers, highway safety or protected species, and I give this harm greater weight. Therefore, even if the balance outlined at Framework paragraph 11(d) ii were considered, the adverse impacts would significantly and demonstrably outweigh the benefits of the scheme.
32. As stated above, the appeal site lies within the catchment of the Somerset Levels and Moors Ramsar site with further information submitted as part of the appeal to address the first reason for refusal. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter or the related duties under the Conservation of Habitats and Species Regulations 2017 further.

Conclusion

33. Overall, for the reasons given above, the proposal conflicts with the development plan taken as a whole. There are no other considerations, including the Framework, that indicate that a decision should be made other than in accordance with the development plan. I therefore conclude the appeal should be dismissed.

C Rose

INSPECTOR