
Appeal Decision

Site visit made on 12 February 2026

by **S Sharp BSc(Hons) BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 April 2026

Appeal Ref: APP/E3335/W/25/3375158

Valhalla, Burrow Lane, Ashbrittle, Wellington TA21 0JB

- 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 Mike Beard against the decision of Somerset Council.
 - The application reference is 01/25/0004.
 - The development proposed is erection of a garage and workshop to include the change of use of additional land to garden plus the retention of a balcony, terrace and boiler room.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a garage and workshop to include the change of use of additional land to garden plus the retention of a balcony, terrace and boiler room at Valhalla, Burrow Lane, Ashbrittle, Wellington TA21 0JB in accordance with the terms of the application reference 01/25/0004, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos PL-001 Revision A – Site Location Plan, PL-004 Revision A – Proposed Site Block Plan, PL-005 – As Built Elevations – Dwelling, PL-006 - Proposed Garage - Floor and Roof Plan and Front Elevation, PL-007 - Proposed Garage - Rear and Side Elevations and Section.
 - 2) The garage and workshop hereby permitted shall not be used other than for purposes incidental to the dwelling known as Valhalla, Burrow Lane, Ashbrittle, Wellington TA21 0JB.
 - 3) No development above slab level of the garage and workshop building hereby approved shall be commenced until details of the design and siting of 2 No nesting boxes for swifts or swallows and 1 No bat box within the application site have been submitted to and approved in writing by the local planning authority. The approved boxes shall be installed prior to the first use of the garage and workshop building and thereafter retained for the lifetime of this part of the development.

Preliminary Matters

2. The description of development on the application form includes reference to the “regularisation” of the balcony, terrace and boiler room elements of the development. The Council’s decision notice also includes the phrase “retention of part works undertaken” in relation to these elements. I noted on site that a balcony, terrace and boiler room had been erected and both main parties agree that the plans before me show what has been erected. I have no evidence before me to conclude differently. I have omitted the reference to regularisation in the

description, and the appeal site address, as they do not describe the development before me. This has necessitated the insertion of the phrase “plus the retention of” but the description of the development is otherwise the same.

3. The requirements for biodiversity net gain (BNG) were introduced under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021 and was amended by the Levelling Up and Regeneration Act 2023. There are exemptions to the requirements for BNG. These include where a development is retrospective, householder developments or that subject to the de minimis exemption. The latter applies where the development does not impact a priority habitat, it affects less than 25 square metres of onsite habitat, and 5 metres of linear habitats such as hedgerows.
4. I invited comments from both main parties on the applicability of the requirements for BNG. The Council had previously confirmed the retrospective status of the balcony, boiler room, terrace and change of use elements. They had also concluded that the development was BNG exempt by virtue of being householder development. The appellant has indicated that, for the proposed garage and workshop, the site benefits from the de minimis exemption. I observed on site that the applicable areas are characterised by hardstanding with no habitat value. There is no evidence before me to conclude otherwise. I have therefore determined that the development is exempt from the requirements for BNG for reasons of being retrospective in the case of the boiler room, balcony, terrace, and change of use, and de minimus in the case of the proposed garage and workshop.
5. There is common ground between the main parties of the acceptability of the boiler room and the change of use of the additional land to garden. I have no evidence before me to come to a different conclusion on these matters.

Main Issues

6. The main issues are:-
 - The effects of the balcony and terrace on the character of the host building and its setting.
 - The effects of the garage and workshop on the character and appearance of the appeal site and the surrounding area.

Reasons

Balcony and terrace

7. The appeal property was originally a Dutch barn in agricultural use. Its conversion to a dwelling was completed under Class Q¹ permitted development rights. It is understood from the evidence before me that the sides of the barn had been enclosed whilst it was still in agricultural use and the building retains its agrarian character and appearance following the conversion. The metal cladding and the building's overall form are functional and modern.
8. The building stands within a cluster of other buildings on the same side of Burrow Lane. The majority of the surrounding buildings are also of modern appearance

¹ Schedule 2, Part 3, Class Q of the Town & Country Planning General Permitted Development Order 2015 (as amended)

with steel frames, vertical timber boarding and metal sheet roofs. There is also a bungalow with rendered walls finished in a colour similar to that of the retaining wall of the terrace. I noted that there is a traditional farmhouse and barn conversion within the cluster, but these buildings are in the minority, and the overall character and appearance is of a modern farm complex devoid of vernacular architecture and tradition. This character and appearance extend to not only the buildings but the spaces around them and enclosure; concrete block walls and in-situ concrete aprons prevail.

9. I observed that only the very ends of the balcony are visible from public viewpoints on Burrow Lane with negligible impact on the building's overall appearance, including from public viewpoints. It is visible in its entirety from the rear of the building but always seen against the backdrop of the rear elevation. The latter is characterised by the stark silver-grey cladding and glazing of the permitted Class Q conversion. The translucency of the glazed balustrading and the thin, lightweight profile of the metal framework of the balcony do not overly detract from the functional, modern agrarian character of the building. They also leave the original form legible and intact. For these reasons, its utilitarian form is not overly domestic nor incongruous and does not undermine the character of the building or harm its rural setting. The lightweight design is subservient in its form, siting and scale to the main building.
10. The terrace adjoins the rear elevation of the building and, as with the balcony is largely hidden from public view. Its character and appearance are not dissimilar to the other raised areas, retained by walls in the farm complex to the west of the appeal site. The terrace, as with the balcony, is subservient in its siting, scale and design to the building. As such the terrace does not harm the character and appearance of the building and its rural setting.
11. I therefore conclude that the balcony and terrace accord with policies CP8 and DM2 of the Taunton Deane Core Strategy 2011-2028 (TDCS) which amongst other things, seek to protect, conserve or enhance landscape character. They also accord with policy DM1 of the TDCS which includes a criterion that the appearance and character or any affected landscape or building will not be unacceptably harmed by a development. Finally, there is accordance with policy D5 of the Taunton Deane Site Allocations and Development Management Plan (SADMP) which seeks to ensure that extensions to dwellings do not harm the form and character of the dwelling and are subservient to it in scale and design. I have had regard to the provisions of the National Planning Policy Framework (the Framework) in reaching these findings.

Garage and workshop

12. The proposed garage and workshop building would be sited prominently on the Burrow Lane frontage. As such it would not be subservient in its siting to the main building, which is set back from the road. However, it is proposed to be single storey in comparison to that building's 2 storeys. It would also be significantly smaller in terms of massing. Its design would not be overly domestic as the plans show only a single window on the vertical elevations and a garage door. As such it would appear as a subservient outbuilding to the main building within the appeal site rather than a standalone dwelling.

13. The design and scale of the proposed garage and workshop building would assimilate into its surroundings. The render finish proposed is already present on the main building's plinth and also on the bungalow at the western end of the cluster of buildings on this side of Burrow Lane. The proposed garage and workshop would also be seen in the context of the modern, functional forms of the agricultural buildings directly to the west and southwest of the appeal site. This context and its proposed simple, functional form mean that it would not be visually intrusive or be out of keeping with the rural character of the site and its surroundings. The prevailing character is not one of traditional agriculture but of a modern complex of buildings. I therefore find no harm would arise from the development of the garage and workshop to the rural character and appearance of the site and surrounding area.
14. I therefore conclude that the proposed garage and workshop building accords with policies CP8 and DM2 of the TDCS which amongst other things, seeks to protect, conserve or enhance landscape character. It would also accord with policy DM1 of the TDCS which includes a criterion that the appearance and character or any affected landscape or building will not be unacceptably harmed by a development.

Other matters

15. The Council's reason for refusal for the proposed garage and workshop refers to policy D6 of the SADMP. This policy relates to ancillary accommodation to a host dwelling, either through a conversion or new outbuilding. The proposal is not for such accommodation and, therefore, whilst I have had regard to the policy in my decision, I have not referred to it in my findings above.
16. The Council's evidence also refers to the provisions of the Framework as well as development plan policies. The Framework is a material consideration to which I have had regard. However, in this instance, its provisions do not indicate that a decision should be made otherwise than in accordance with the development plan.

Conditions

17. A condition prescribing a time limit by which a material start must have been made is unnecessary given that some elements of the development have already been carried out. However, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. A condition requiring details of materials to be agreed for the garage and workshop is not necessary as there is sufficient information annotated on the plans before me to determine the acceptability of this building in the location proposed.
18. However, I have imposed a condition requiring the use of the garage and workshop to be incidental to the dwelling's use on the appeal site. This is because the original application was not made as a householder application and it is necessary to ensure that the building is used for incidental rather than commercial purposes in the interests of the living conditions of the dwelling, specifically in relation to noise and disturbance.
19. The Council's ecologist recommends a condition that no external lighting is permitted without prior approval from them, in the interests of the 'Favourable Conservation Status' of populations of European protected species and to accord with policy CP8 of the TDCS. I observed on site that there is already external

lighting attached to the existing building on the appeal site and to the adjacent barns. Such lighting would already illuminate the terrace, balcony and the area proposed for the garage and workshop. In this instance, the suggested condition would also extend beyond the scope of development that can be controlled by the Council as the local planning authority. As such the condition is unnecessary and unreasonable.

20. The Council's ecologist also suggests an enhancement condition for the installation of 2 No bird boxes and 1 No bat boxes, citing the provisions of the Framework as the reason for the condition rather than BNG. The Framework advises that decisions should contribute to and enhance the natural and local environment. It would therefore be reasonable to impose a condition, albeit linked to the proposed development of the garage and workshop building.

Conclusion

21. For the reasons set out above, having considered the development plan as a whole and all other matters raised, I conclude that the proposal is acceptable and there are no material considerations that indicate otherwise. Therefore, the appeal is allowed.

S Sharp

INSPECTOR