



Appeal Decision

Site visit made on 21 January 2026

by F Webber BSc (Hons), MSc, MRTPI, ACSM

an Inspector appointed by the Secretary of State

Decision date: 7th April 2026

Appeal Ref: APP/E3335/W/25/3376131

Frys Farm, Frys Lane, Wiveliscombe, Somerset TA4 2TS

- 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 John Farrington against the decision of Somerset Council.
 - The application Ref is 49/24/0014.
 - The development proposed is change of use of agricultural land to Class B8 storage use with siting of 46 No. storage containers with associated works at Frys Farm, Frys Lane, Wiveliscombe.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the site is a suitable location for the siting of storage containers, having regard to the development plan and issues of sustainability.

Reasons

3. The appeal site lies in an undulating agricultural landscape, 1.5 miles east of the centre of Wiveliscombe and 1.6 miles west of Milverton. Both settlements have been identified as rural centres. The site is located off Quakinghouse Lane, being a single-track public highway and approximately 200 metres south of the B3227. The appellant already operates a self-storage facility of 15 No. domestic storage containers, at the main farmstead at Frys Farm, which lies further down a single-track road, being Frys Lane, which was granted conditional permission¹ in February 2017. The appellant proposes to relocate the existing storage facility to the appeal site and expand it to 46 No. containers. It is argued that this would remove the need for vehicles to travel further down the narrow lane to the existing farm site and the new location would have highway benefits.
4. The site access which would serve the appeal development was originally formed to service a large agricultural barn, approved as a prior notification² May 2023. This access is of a standard suitable for larger vehicles to pass, off the public highway. The new access track continues across farmland to the farmstead of Frys Farm. This access is included as part of this application and some modifications to improve visibility are proposed, with a fully consolidated surface and finished in Tarmacadam.

¹ Ref: 49/16/0062

² Ref: 49/23/0017/AGN

5. As the appeal site lies outside of any defined settlement and within the countryside, the following policies of the Taunton Deane Core Strategy (2011-2028) (“TDCS”) set out the criteria which the scheme is required to meet. In this instance Policies DM1 and SD1 which identify the general requirements for sustainable development. In particular, Policy DM2 2a addresses development in the countryside directing Class B Business Use to be located near a public road and adjacent to a rural centre.
6. The Council considers that being remote from any settlement and lacking access to public transport, the development would be heavily reliant on private car travel and fail to minimise the need to travel or promote sustainable transport choices. However, in terms of the practicality and feasibility of utilising public transport to transport bulk items to a storage facility, regardless of location, would in all likelihood result in some form of private transportation being used.
7. Nevertheless, I consider that in respect of the cited policies, of the development plan, the proposal does not meet the criteria set out therein. Consequently, the siting of storage containers in this location would be contrary to Policies DM1, SD1 and DM2 2a of the TDCS and paragraphs 8, 89 and 109 of National Planning Policy Framework (“the Framework”) that collectively seek to promote sustainable development and reduce reliance on private vehicles.

Other Matters

8. The appellant has in support of this appeal submitted an allowed appeal³ dated May 2025. Whilst the Class B Business use in that case was similar to this proposal, in terms of location, the allowed appeal does not appear to be comparable to the case before me. Consequently, I have determined this appeal on its own particular facts and merits.
9. Wiveliscombe Town Council has objected to the proposal indicating that it was unable to view the comments of the Highways Authority and brought my attention to vehicular movements in and around the site and to the restriction on HGV access to Frys Lane. The Highways Authority has not objected, and it is clear from the Highway Authority response that it has no issues relating to road network capacity or highway safety. Based on my site visit I have found no reason to disagree, insofar as by moving the site would afford better access and subject to the imposition of conditions, would not conflict with Policy DM1 of the TDCS which requires development to provide safe access and adequate parking provision.
10. Wiveliscombe Historical & Civic Society has objected on the visual effects on the rural landscape. The application to which this appeal relates has evolved, during its determination by the Council, and on the recommendation of the Council’s Landscape Officer, the site would be engineered to modify the levels and create bunding to be more in keeping with the surrounding landscape. Planting would be carried out to screen the site from Quakinghouse Lane, where the nearest dwelling is located, at the junction with Frys Lane. Therefore, the effects on the character and appearance of the surrounding landscape would be mitigated and would align with the objectives of Policies CP8, DM1 and DM2 of the TDCS that seeks to protect and enhance the character of the rural landscape.

³ APP/E3335/W/24/3357756

11. The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. Natural England advises that there are high nutrient inputs into the water environment of the Ramsar catchment with evidence that this is causing eutrophication of the aquatic environment. As the competent authority and given that development will not result in an increase in nutrient loadings at the catchment's wastewater treatment works as people working in or using the development are likely to live in the catchment area, there will be no additional impact on the Ramsar site as a result of the development. This is also the view of Natural England in this case. Consequently, I am satisfied that the development is not likely to have a significant effect on the Ramsar site (either alone or in combination with other plans or projects) pursuant to Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 Habitats and a project level appropriate assessment is not required.

Planning Balance

12. Policy DM2 2b of the TDCS allows for extensions to existing rural businesses, where relocation to a more suitable site is unrealistic, and the economic benefit of the proposal outweighs any harm to the objectives of the policy. Policy CP8 of the TDCS, seeks to strictly control development, in order to conserve environmental assets and the open character of the area, and to protect greenfield land, outside of settlement boundaries.
13. The Town Council has drawn attention to the scale of the proposal, indicating that the overall footprint of the development would exceed the 500 square metre thresholds set in Policy DM2 2b. However, this proposal seeks to relocate and expand the scope of an existing rural business, and whilst the overall footprint of the development would exceed the threshold, the additional footprint is that of the existing storage facility. The appellant has indicated that the existing facility has been successful, albeit in my view with a difficult access, and it is explained that there is demand for additional self-storage in this general location. Further evidence of the need was provided, stating that neither of the closest settlements to the site have self-storage facilities. The nearest facility being located some distance away at Wellington and Whiteball.
14. I consider that given that there would be moderate economic benefits to the rural community from an extension to an existing business, in close proximity to public roads (including the main road network) and two rural centres. The proposal includes a suite of mitigation measures relating to highway safety, landscape engineering and planting to ameliorate any harmful effects on the living conditions of neighbouring dwellings and the provision of ecological enhancements.
15. Providing the relocation of the site from the existing restricted location can be secured, I consider that these benefits would outweigh the harm to the promotion of sustainable transportation identified above. Consequently, the scheme would not be contrary to Policy DM2 2b of the TDCS, that supports extensions to existing businesses. In addition, the proposal does not conflict with Policy CP8 of the TDCS which seek to protect, conserve and enhance the interest of the landscape and natural environment and is consistent with paragraphs 88, 127 and 192 of the Framework which supports a prosperous rural economy, promotes alternative uses on land and enhances the natural environment.

16. However, this balance of considerations is dependent on the cessation of the existing site with the 15 No. containers. That site has a narrow and, in my view, problematic access, although the use was approved in 2017. The proposed site would provide a safe and suitable access, closer to the main road, and the relocation of the container site would be a clear benefit of the scheme. It is however, necessary to secure the cessation of the existing use if the balance of benefits is to fall in favour of the proposal.
17. It is noted that at determination of the application, the Council has raised the issue that to secure the cessation of the present use, to enable its relocation, it would be necessary to secure this by way of a planning obligation in a legal agreement. The appellant has responded at the final comments stage to say that this had not been raised before, including during the pre-application and application stages. This is clearly unfortunate and the appellant has indicated were it deemed necessary, then the appellant would be willing to enter into such an agreement.
18. The present container site is beyond the red lined site area of the present proposal. I agree with the Council that to secure the cessation of the lawful use of the present use it would be necessary to extinguish this use by way of planning obligation. There is no obligation as part of the submissions and I need to determine the appeal based in the evidence before me. The consequence of permitting the present use without such a mechanism would be to allow both uses to take place. That would negate the benefits which would result from the relocation of the 15 No. containers. I do not consider that planning conditions attached to any approval could be an effective or reasonable way to seek to resolve this matter because it requires an existing permission and use, on a different site, to be extinguished.
19. In these circumstances, I conclude that in absence of an effective and secure mechanism to secure the transfer of the use across to the new site, a key benefit for the scheme would not be realised. It is such that I consider that the balance of considerations falls against the proposal, and that it would not accord with the development plan when considered as a whole and material considerations do not indicate a decision should be made otherwise.

Conclusion

20. For the reasons given above, the appeal should be dismissed.

F Webber

INSPECTOR