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# Appeal Decision

Site visit made on 11 June 2014

**by Ms T L Dow BA, Dip TP, Dip UD, MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 30 June 2014**

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**Appeal Ref: APP/R3325/A/14/2215075**

**The Annex at The Manor House, West Camel, Yeovil, Somerset, BA22 7BQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Andrew Hamilton against the decision of South Somerset District Council.
- The application Ref 13/01328/COU dated 20 February 2103, was refused by notice dated 13 September 2013.
- The development is described as: Change of use from converted annex to dwelling.

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## Decision

1. The appeal is allowed and planning permission is granted for Change of use from converted annex to dwelling at The Annex at The Manor House, West Camel, Yeovil, Somerset, BA22 7BQ, in accordance with the terms of the application Ref 13/01328/COU dated 20 February 2103, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 140213-01A (location and block plan) and 140213-02 (floor plans and elevations), both dated February 2013.
  - 2) The area allocated for parking and turning on plan 140213-01A shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles used in connection with the development hereby permitted or the residential occupation of the Manor House.
  - 3) Unless within three months of the date of this decision, a flood evacuation plan and a scheme detailing flood resilience measures is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within six months of the local planning authority's approval, the use of the site for occupation as a separate dwelling shall cease until such time as a scheme is approved and implemented.

## Procedural matter

2. It is clear from the evidence and the site visit that the building is already being occupied as a self-contained dwelling. I have dealt with the appeal on this basis.

## **Main issues**

3. The main issues are: (i) the effect of the use of the existing access on highway safety; and (ii) the risk to occupiers of the building from flooding.

## **Reasons**

### *Highway safety*

4. The appeal property is a separate building within the grounds of the Manor House, a Grade II listed building. The site is also within the West Camel Conservation Area. Planning permission was granted for residential use of the appeal building in 1988 (ref 31/88/2255), subject to a condition that it should remain as ancillary accommodation to the main dwelling. The conversion was carried out in 1991/92. Since 2008 or thereabouts, the accommodation has been independently let.
5. Off-street parking and turning for the dwelling would be provided to the rear of the building, accessed from Back Street via the existing gated entrance, which also serves the Manor House. The Council is concerned about the intensification of the use of the access on the grounds that visibility in both directions when emerging from it, is sub-standard and because of its proximity to the junction with Parsonage Road. There is no evidence before me of any accidents in the vicinity of the site.
6. The access gates are set back a little from the adjoining Manor House boundary wall and the appeal building. The boundary wall follows the sweeping curve of the corner as Back Street and Parsonage Road merge at the junction. In front of the gates, a dropped kerb has been created and to either side is a kerbed footpath of approximately one metre. This allows a vehicle to pull past the gates to achieve some visibility along the road in both directions, without affecting traffic turning into Back Street to an unacceptable extent. Although the access is quite close to the junction, the bend is not tight and so visibility around it is not unduly restricted. I witnessed at my site visit that, although some traffic passes along Parsonage Road at speeds higher than the 30mph speed limit, traffic turning into Back Street slows to navigate the corner. Traffic heading towards the bridge also tends to slow down as it passes the junction because the road narrows at the bridge to a single lane. Although the access is not ideal in terms of visibility and location, in the circumstances, I do not consider it to be unsafe.
7. I am also mindful that the building has been in use for many years. Although the authorised use is not as a separate dwelling, the annex would, nonetheless, have increased the accommodation available to the Manor House by providing a unit capable of being occupied independently. This may well have resulted in an additional vehicle using the access. In this regard, the proposed use is not materially different to the authorised use and neither is the risk to highway safety materially different.
8. I conclude that there would be no conflict with saved Policy ST5 of the LP. This policy seeks to ensure that new development makes provision for a satisfactory means of access into and within the site. Likewise, I am satisfied that there would be no conflict with the National Planning Policy Framework (the Framework), paragraph 32 of which seeks to ensure that safe and suitable access can be achieved. It also seeks to ensure that

development is only prevented where the residual cumulative impacts are severe.

### *Flood risk*

9. The site lies within Flood Zone 3b as defined in the Council's Strategic Flood Risk Assessment. It is not in dispute that under the Framework this change of use application is not subject to the Sequential or Exceptions tests. A Site Specific Flood Risk Assessment is required and has been provided by the appellant, although the level of detail within it is limited. The Framework states at paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Although the Framework points to technical guidance on flood risk, it has been replaced by the Planning Practice Guidance (Guidance). Paragraph 48 of the Guidance states that a change of use may involve an increase in flood risk if the 'vulnerability classification' of the development is changed. The vulnerability of buildings used as dwellings are classified as 'more vulnerable'. There is nothing to indicate in the Guidance that an annex used ancillary to a dwelling would be classified differently. Although, therefore, Table 3 at paragraph 67 of the Guidance states that, in Flood Zone 3b 'more vulnerable' development should not be permitted, no change in the vulnerability classification is proposed in this case.
10. In terms of the potential increased risk from the change from ancillary accommodation to a dwelling in its own right, the planning permission granted in 1988 authorised a fairly large annex with all amenities. In practice, the building has been capable of being occupied independently by more than one person ever since it was converted. It has its own bathroom, kitchen, lounge and sleeping accommodation. As a consequence, occupants need not have been reliant on the main household. Given that it is not proposed to increase the overall size of the unit, the change of use in this instance would not be likely to result in a material increase in the number of occupants.
11. In the circumstances of this particular case therefore, given that the Flood Risk Vulnerability Classification is unchanged and there would be no material difference in terms of the amount or type of accommodation provided, the change of use would not put occupants at any greater risk from potential flooding. As such there would be no conflict with saved Policy ST5 of the LP which, amongst other things, seeks to ensure that proposals avoid placing people and property at risk from flooding. Likewise, I am satisfied that the requirements of the Framework have been met.

### **Other matters**

12. I am required by the Act<sup>1</sup> to have special regard to preserving and enhancing the character and appearance of the Conservation Area and to preserving the setting of the listed building. No objection has been raised on these grounds and given that no external changes are proposed to the appeal building or the parking area, I am satisfied that the development would preserve those interests.

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<sup>1</sup> Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Conditions**

13. The Council suggested a condition in respect of the commencement of development. However, since the appeal is retrospective, this condition is unnecessary. The Council's suggested condition relating to the approved plans is needed however, because the use occupies part of a larger building and the overall extent of the approved living accommodation is pertinent to the issue of flooding. I have also imposed the Council's requested condition relating to the retention of the parking and turning area which is needed in the interests of highway safety. Finally, the proposed condition relating to a flood evacuation plan and resilience measures is required, as the appeal seeks to regularise the use as a separate dwelling in the functional flood plain, and the Environment Agency has made it clear that there is no flood warning service for this area.

### **Conclusion**

14. For the reasons given above I conclude that the appeal should succeed.

*T L Dow*

INSPECTOR