



Appeal Decision

Site visit made on 3 July 2014

by **G Powys Jones MSc FRTPI**

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

Decision date: 18 July 2014

Appeal Ref: APP/R3325/A/14/2214086

Merriott Social Club, 71 Lower Street, Merriott, Somerset, TA16 5NP

- 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 BA Jacobs on behalf of the Merriott Social Club against the decision of South Somerset District Council.
 - The application Ref 13/04717/FUL, dated 19 November 2013, was refused by notice dated 4 February 2014.
 - The development proposed is the provision of disabled access and emergency egress routes to Merriott Social Club, the erection of an extension for the provision of improved toilet facilities and associated change of use of land from agricultural use to sui generis (social club).
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Decision

1. The appeal is allowed and planning permission is granted for the provision of disabled access and emergency egress routes to Merriott Social Club, the erection of an extension for the provision of improved toilet facilities and associated change of use of land from agricultural use to sui generis (social club) at the Merriott Social Club, 71 Lower Street, Merriott, Somerset, TA16 5NP in accordance with the terms of the application Ref 13/04717/FUL, dated 19 November 2013, subject to the following condition:

The land described by the Council as 'agricultural land' adjoining the social club shall be used solely for an emergency egress and for allotment use in conjunction with the social club, and for no other use unless previously agreed in writing by the local planning authority.

Preliminary & procedural matters

2. An application for costs was made by the appellant against the Council, and is the subject of a separate decision.
3. During the course of the appeal, the Council granted planning permission in respect of similar building proposals at the appeal property (Ref 14/00665). The details of the approved development sent to me following my site visit confirm the appellant's view that the main difference between the appeal proposal and the approved scheme relates to the exclusion of most of what is described as 'agricultural land' from the latter.
4. The planning permission is a material consideration attracting substantial weight, not least because it permits, virtually unchanged, the building development proposals subject of the appeal. Moreover, judging from the building works I saw, and as confirmed by the appellant at the visit, the

permission has been implemented. The Council's previously expressed concerns as to the impact of the building works have clearly been overcome, and I have no reason to differ from its judgment in this respect.

5. Accordingly, I am required, in effect, to assess the acceptability of the use of the '*agricultural land*' adjoining the social club, and I shall proceed on this basis.

The main issue

6. In the circumstances, the main issue is the effect of the change of use of the '*agricultural land*' adjoining the social club on the living conditions of nearby residents with specific reference to privacy, noise and disturbance.

Reasons

7. The appellant seeks a change of use of the land because the Council, in effect, contends that it is in agricultural use. The appellant disputes that this is the case, and says that it has long been used in association with the social club as an amenity area. I saw that the land was laid out as a well-maintained allotment, fenced off from the open field to the west, and I have no reason to doubt the appellant's contention as to its historical association with the club.
8. Although the land is elevated in relation to the level of the dwellings in Lower Street, the rear of those properties are relatively well screened from view. I do not consider that the continued use of the land for allotment use in association with the club, or as an emergency escape route, would cause problems of noise & disturbance or loss of privacy to neighbouring residents.
9. However, so as to avoid the introduction of other activities onto the land, for example, a beer garden or a late night open-space overflow facility, in association with the social club, a condition restricting the use of the land would be necessary, since other uses, such as those described, would almost inevitably cause problems of noise and disturbance to adjacent residents.
10. I conclude that subject to appropriate safeguards, the continued use of the land adjoining the social club is acceptable and would not therefore conflict with those aspects of policy ST6 of the South Somerset Local Plan designed to protect the amenities of occupiers of adjacent properties.

Conditions

11. As already explained, I shall impose a condition, in the interests of safeguarding the amenities of neighbouring residents, to restrict the use of the land adjoining the social club.
12. I do not consider that the other conditions suggested by the Council are necessary, since conditions were imposed on the earlier permission relating to the building works, and that permission has been implemented. The imposition of further conditions could cause unnecessary confusion.

Other matters

13. The comments made by local residents and property owners have been considered, but most of the main sources of concern have been overtaken by events in the form of the planning permission recently granted by the Council.

14. I have taken account of all other matters raised in the representations, including the views of the Parish Council, the references to the planning history and the *National Planning Policy Framework*, but none is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR