
Appeal Decision

Site visit made on 2 July 2015

by Paul Griffiths BSc(Hons) BArch IHBC

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

Decision date: 24 July 2015

Appeal Ref: APP/R3325/W/15/3003690

Land adjacent to Dunster House, Lower Woodcock Street, Castle Cary BA7 7BD

- 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 Mrs Hazel Merrifield against the decision of South Somerset District Council.
 - The application Ref.14/05104/FUL, dated 29 October 2014, was refused by notice dated 23 January 2015.
 - The development proposed is demolition of retail unit and erection of three terraced houses.
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Preliminary Matters

1. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.
2. The proposal was amended in the course of the application. I have proceeded on the basis of the scheme drawings that the Council made its decision upon.

Decision

3. The appeal is allowed and planning permission is granted for demolition of retail unit and erection of three terraced houses on Land adjacent to Dunster House, Lower Woodcock Street, Castle Cary BA7 7BD, in accordance with the terms of the application, Ref.14/05104/FUL, dated 29 October 2014, subject to the conditions set out in Annex A to this decision.

Main Issues

4. These are (1) the effect of the proposal on the vitality and viability of the town centre; (2) whether the provision of car parking proposed is acceptable; and (3) whether the proposal would preserve or enhance the character or appearance of the Castle Cary Conservation Area.

Reasons

Vitality and Viability

5. The Council has referred to LP¹ Policy EP15 to bolster their reason for refusal. Put simply, this states that proposals that would result in the loss of a local shop will not be permitted unless equivalent or better provision is available in

¹ The South Somerset Local Plan (2006-2028)

the settlement, or will be provided before redevelopment, or that there is no reasonable prospect of retention, as demonstrated by a viability assessment, and suitable marketing has been carried out.

6. Reference has also been made to the Framework² and specifically paragraphs 23 and 70. The former is mainly directed towards plan-making but does show that the policy approach is the promotion of competitive town centre environments. The latter says that we should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
7. I would question whether LP Policy EP15 has any application to the proposal at issue. The retail unit proposed for removal was not operating as a 'local shop' in the sense the policy uses it. Nevertheless, as I saw during my site visit, Castle Cary has a wide range of shops and services and the retail unit proposed for removal operated on a small scale, very much on the fringe of the town centre. In that context, the loss of the retail unit would have no discernible impact on the vitality or viability of the town centre because there is equivalent, or better, provision already available, and neither would its loss reduce the ability of residents of the town to meet their day-to-day needs.
8. I see no departure from LP Policy EP15, in so far as it is relevant, or the Framework, therefore.

Car Parking

9. LP Policy TA6 states that parking provision in new development should be design-led and based upon site characteristics, location and accessibility. It goes on to state that the parking standards within the Somerset County Council Parking Strategy will be applied. On that basis, the Council says that there should be 10 car parking spaces provided to serve the dwellings proposed, along with Dunster House.
10. However, the parking standards are very clear that they are optimum standards and the level of parking specified should be provided unless specific local circumstances can justify deviating from them. Developments in more sustainable locations that are well served by public transport or have good walking or cycling links may be considered appropriate for lower levels of car parking provision.
11. The site very close to the town centre, with all its facilities, and within easy walking distance of bus stops which connect Castle Cary to other larger settlements, and a main line railway station. There is also an extensive public car park within 100 metres of the appeal site. In that context, I am content that the 4 parking spaces proposed would be more than adequate to serve the scheme and that as a consequence there would be no divergence from the Somerset County Council Parking Strategy or LP Policy TA6.

Conservation Area

12. While the existing retail unit on the appeal site, a former public toilet, is an interesting building in itself, its diminutive scale, coupled with the open nature of the existing car park alongside, means that the streetscape along the

² The National Planning Policy Framework

frontage of the appeal site lacks the sense of enclosure that is so characteristic of the rest of the conservation area.

13. The erection of three dwellings of what I regard as appropriate design, subject to the imposition of conditions, and scale, on the appeal site, would introduce proper enclosure to this part of Lower Woodcock Street. This would enhance both the character and appearance of the conservation area.
14. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision-maker to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in the exercise of planning functions. Further, paragraph 132 of the Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The enhancement the proposal would bring to the character and appearance of the conservation area, and its significance, attracts considerable importance and weight.

Conditions

15. I have considered the suggested conditions in the light of advice in the Framework and the Planning Practice Guidance. Aside from the standard commencement condition, another is required to set out the approved plans.
16. A condition is required to secure samples of external materials and another is necessary to address the stonework. Details of important design elements need to be addressed through conditions also. Foul and surface water drainage is a matter best left to the Building Regulations.

Final Conclusion

17. The proposal would have no adverse impact on the vitality and viability of the town centre, and the car parking proposed would be adequate for the needs of the development and Dunster House. Moreover, the proposal would enhance both the character and the appearance of the Castle Cary Conservation Area.
18. For the reasons given above I conclude that the appeal should be allowed.

Paul Griffiths

INSPECTOR

Annex A: Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1404-1 Revision A: Existing and Proposed Block Plan and Roof Plan; 1404-2 Floor Plans; and 1404-3 Revision A; Elevations and Section.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted, including a sample panel of the stonework, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of doors and windows, including finishes, and the relationship of door and window frames with external walls, lintels, eaves, verges, ridges, abutments, rainwater goods and external pipe-work, chimneys, and service entries have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.