



Appeal Decision

Site visit made on 3 July 2007

by **M A Hillyer** BSc MSc CEng MICE FCIWEM

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

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Date: 18 July 2007

Appeal Reference: APP/R3325/A/07/2038561

Land opposite Autumn Leaves, Pibsbury, Langport TA10 9EJ

- 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 K Hayton against the decision of South Somerset District Council.
- The application Reference 06/00964/COU, dated 21 March 2006, was refused by notice dated 9 January 2007.
- The development proposed is the retention of existing building and use for office purposes.

Summary of Decision: The appeal is dismissed.

Procedural Matters

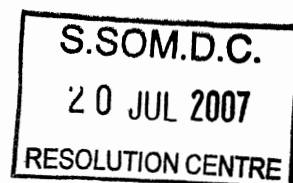
1. In the interests of clarification I confirm that the proposal is for the change of use of an existing building from stables to offices under Class B1 of the Use Classes Order.

Main Issues

2. From my reading of the written representations and inspection of the site and its surroundings, I consider that there are two main issues in this appeal. The first is the effect of the proposed change of use on the character and appearance of the surrounding countryside, having particular regard to policy, and the second is the effect on the sustainability of highway use.

Planning Policy Context

3. The development plan for the area includes the Somerset and Exmoor National Park Joint Structure Plan 1991-2011 (2000) (SP), and the South Somerset Local Plan (2006) (LP). Policy STR1 of the SP says that development should reflect local distinctiveness and should minimise the length of journeys and the need to travel. SP Policy STR6 states that development outside towns and villages should be strictly controlled and restricted to that which benefits economic activity, maintains the environment and does not foster growth in the need to travel, and these principles are echoed in LP Policy ST3. LP Policy ST2 specifies those settlements which are, in principle, appropriate places for development, and LP Policy ST5 sets out the criteria for development including the need for respect of the form, character and setting of the locality. LP Policy EH6 allows the change of use of buildings outside defined development areas to industrial and commercial use provided that there is no detriment to other business activity and provided that any planning objections which would

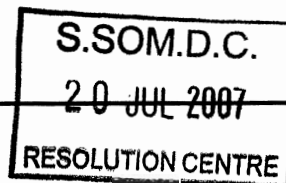


otherwise outweigh the advantages of re-use can be overcome by the use of conditions.

Consideration

The First Issue

4. The site is a field within the countryside, outside of any statutory settlement identified in LP Policy ST2, and containing a sound single storey structure. The building, which has two wide doorways but no windows, benefits from an authorised private use by the occupiers of two nearby dwellings as stabling for three horses. The site is bounded to the north by the A372 road and is adjoined by fields and mature hedges, with farm and water management buildings nearby. From the roadside there are long views southwards across the levels to rising ground, and the locality on the south side of the road has an open countryside character. There are dwellings to the north of the road, set back from the highway, which form part of the Pibsbury hamlet and which maintain the rural setting of the wider area.
5. The proposal would introduce a use which could benefit economic activity in the area, but which would be alien to and would erode the countryside environment of the site and its surroundings. The present authorised use is rural in nature. It may result in the presence of the occasional horse-box on site and visits for feeding, exercise, or transport, but it is very "low-key" because of its restriction to use in connection with only two properties. The proposal would result in more intense activity, the presence of vehicles and possibly storage and commercial equipment, and the introduction of communications and other services. The building would require modification such as the insertion of windows, and although the effect of this fenestration work could be limited by condition I consider that the overall change at the site would be detrimental to, and not respecting of, the setting of the locality. This detriment would not be outweighed by any economic benefits, and the conflict could be intensified by uses other than offices but which are within the B1 usage class.
6. The Appellant suggests that the site is not sufficiently adequate to support more than one horse, and that there is no market for stables. The sufficiency of the site would not restrict the number of horses stabled because they could be fed with imported feedstock, and be exercised elsewhere. I have no evidence of results of any attempts by the Appellant to market the site, and third party representations suggest that there is a local demand for stabling.
7. As required I have had regard to the findings of an earlier appeal concerning the site (Reference APP/R3325/A/00/1052422) where it was found that a similar intensification of use would be harmful. The site is within an area defined by policy as inappropriate for development, and the countryside must be protected for its own sake. I conclude on this issue that the proposed change of use would be harmful to the character and appearance of the surrounding countryside and would conflict with the aims of SP Policy STR6 and LP Policies ST3, ST5 and EH6 in this respect.



The Second Issue

8. On my morning site visit I saw that the A372 is well-used for travel by vehicles. The authorised activities on the site are likely to contribute to that use in a small way, being the occasional journey by horsebox, car or feedstock vehicle, either along or across the road. Any person purchasing the site at present would not be travelling any great distance because the authorised use is restricted to the occupiers of the two nearby properties. The proposed use as an office would be likely to result in daily journeys by car to and from the site, perhaps a number of times each working day, and the B1 class use could potentially increase both the frequency and variety of vehicles involved. However I consider it unlikely that the increase in the number of journeys would be significant in the context of present road use.
9. The policy guidance (SP Policy STR6 and LP Policy ST3) refers to "fostering" travel, meaning to promote or encourage growth in travelling. The change of use would not result in that degree of change or that active involvement in the promotion of travelling. I conclude on this issue that the development would not be harmful to the sustainability of highway use, and would comply with the aims of SP Policies STR1 and STR6, and LP Policy ST3, in this context.

Conclusions

10. Drawing together my findings in this case I conclude that the lack of harm arising from the Second Issue does not outweigh the harm identified in the First Issue. I have considered whether the imposition of conditions, particularly a restriction of the Class B1 types of use, would enable permission to be granted, but find that not to be the case. I have taken into account all other matters raised in the written representations but none is sufficient to override the considerations which have led to my decision.

Formal Decision

11. In exercise of the powers transferred to me I dismiss the appeal.

Michael A Hillier

INSPECTOR.



Appeal Decision

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Date: 18 July 2007

Appeal Reference: APP/R3325/A/07/2038398

West View, Folly Road, Kingsbury Episcopi, Martock TA12 6BH

- 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 Steven Geoffrey Pearce and Julie Pearce against the decision of South Somerset District Council.
- The application Reference 06/03008/COU, dated 18 August 2006, was refused by notice dated 10 October 2006.
- The development proposed is described as "to extend a boundary".

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. In the interests of clarification I confirm that the proposal is for the change of use of part of an agricultural field to form a residential garden.

Main Issue

2. From my reading of the written representations and inspection of the site and its surroundings, I consider that the main issue in this appeal is the effect of the proposed change of use on the character and appearance of the surrounding area, with particular regard to policy.

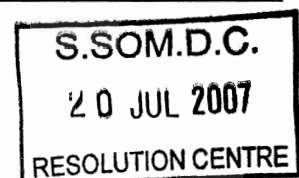
Planning Policy Context

3. The development plan for the area includes the South Somerset Local Plan (2006) (LP). Policy ST3 of the LP states that, outside of defined towns, villages and settlements, development will be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment, and does not foster the growth of travel. LP Policy ST5 sets out the criteria for development, including the need to respect the form, character and setting of the locality; the need to conserve environmental assets and any historic heritage, and the efficient use of land. Planning Policy Statement (PPS) 7 - *Sustainable Development in Rural Areas* provides guidance on the government's objectives for rural areas.

Consideration

The Main Issue

4. The site is part of a field, bounded to the northwest by a chain link fence and to the southeast by a mature hedgeline. There are no visible markings along the other two boundaries and the fence marks the boundary with the residential



property of West View. The site is outside of any defined settlement, and therefore within the countryside.

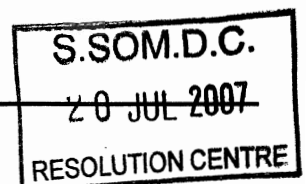
5. Existing development in the locality along the southeast side of Folly Road is made up of dwellings with linear road frontages. To the northeast of the nearby field track off the road the properties (such as Orchard Cottage, Rannerdale and Townfurlong) have long rear garden areas giving onto farm land. To the southeast of the track the dwellings (including West View) enjoy little if any separation between house and farmland, and beyond that the agricultural land abuts the road. This boundary between residential and agricultural land defines the envelope of development in the immediate locality.
6. The development would allow activities incidental to residential use on the site, such as garden plantings and structures, domestic and recreational equipment, vehicles and parking provision, all of which would be seen from adjacent properties and glimpsed from public viewpoints. This change of use would appear inappropriate and unacceptably out of keeping with the agricultural nature and openness of the setting which exists on three sides of the site. It would be an intrusion into the countryside and would be disrespecting of the immediate area's character. The Appellant says that the proposal is needed because the environment of the existing garden of West View is not peaceful because it borders the road. I consider that the existing garden is adequate for essential domestic needs, and that the preference of the Appellant is not a matter which outweighs the normal planning considerations.
7. The development would not foster growth in travel because West View would remain as a single property, but neither would it benefit economic activity nor maintain the environment. PPS 7 makes it clear that the countryside must be protected for its own sake. I consider that there is a high possibility that approval of the proposal would be seen as a precedent for other detrimental changes of use, as instanced by the confirmation of a similar application relating to an adjacent property. I conclude on the Main Issue that the proposed development would be harmful to the character and appearance of the surrounding area and would conflict with the aims of LP Policies ST3 and ST5.

Other Matters

8. The Appellant has referred to developments in the village of East Lambrook, but that location is remote from the site and each case must be considered on its merits. The Appellant has also expressed dissatisfaction with procedural aspects of the application, something which is a matter to be dealt with through legislation other than the Town & Country Planning Act 1990.

Conclusions

9. I find that the development would be harmful. I have considered whether the imposition of conditions would allow permission to be granted, but find that not to be the case. I have taken into account all other matters raised in the written representations, including the letters of support, but none is sufficient to override the considerations which have led to my decision.



Formal Decision

10. In exercise of the powers transferred to me I dismiss the appeal.

Michael A Hillier

INSPECTOR.

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