



Appeal Decision

Site visit made on 11 December 2007

by **Mike Robins** MSc BSc (Hons)

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

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Decision date:
16 January 2008

Appeal Ref: APP/R3325/A/07/2052771

Northleaze Farm, Bearley Lane, Tintinhull, Somerset BA22 8PE

- 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 and Mrs D C Hayne against the decision of South Somerset District Council.
- The application Ref 07/00957/OUT, dated 20 February 2007, was refused by notice dated 24 May 2007.
- The development proposed is erection of a bungalow to be used in connection with the Cattery.

Decision

1. I dismiss the appeal.

Procedural issue

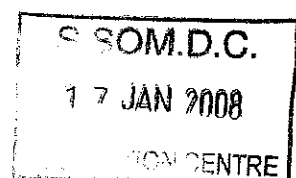
2. This appeal relates to an outline application with all matters reserved for subsequent approval.

Main issue

3. The effect of the development on the character and appearance of the surrounding countryside having regard to the relevant adopted planning policies for the area.

Reasons

4. Northleaze Farm is set in open countryside and located just off the A303 trunk road. The appeal site comprises an area of land including the existing cattery, an old Nissan hut and an access point onto Bearley Lane and is immediately to the west of the existing farmhouse with its associated outbuildings and parking area.
5. National guidance, particularly Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS7) is clear that the countryside should be safeguarded for its intrinsic character and that any new building should be strictly controlled. Annex A of PPS7 provides tests against which proposals for agricultural dwellings and, in Paragraph 15, other occupational dwellings should be assessed. This is supported in the development plan for the area through Policy ST3 of the South Somerset Local Plan, adopted April 2006 (the Local Plan) which states that development will be restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.



6. This proposal is to replace the farmhouse as the accommodation associated with the cattery, enabling the existing owners to retire and sell the cattery as an ongoing commercial enterprise. Catteries are not considered as an agricultural activity and it is not essential that they have a rural location. However, this is an established operation and evidence has been submitted that it is of some value to the local community.
7. To meet the tests of PPS7 there is a need to present clear evidence of both the functional need for permanent on-site accommodation and the financial viability of the enterprise to support such accommodation. In this case the evidence to support the functional need is provided in two parts; the first a reference to the unsuccessful marketing of the property as a whole in 2005 and the second a reference in the appellants' statements to attempts to sell the cattery business for over a year. The implication is that the enterprise is not viable without associated accommodation, however, this is not supported by the reported failure to sell the whole site, which presumably included the farm house as accommodation, in 2005.
8. In relation to the financial viability of the business to support any new unit, all that has been submitted are the net profit figures for recent years. In order to meet the stringent tests laid down, such information must be related to the practicality of delivering a successful business with the associated costs of managing and financing the land and the dwelling as a continuing viable commercial operation. It is my view that considerably more information and independent opinion is necessary to justify that this cattery cannot be run as a stand alone business. I therefore find that the evidence before me does not meet the tests as laid down in Annex A of PPS7.
9. I understand the appellants' wish to retire and remain in their family home, but the development plan is clear that any new development in the countryside should be restricted to that which benefits economic activity, and without the evidence to satisfy the tests set out in national guidance this proposal does not conform with Policy ST3 of the Local Plan. Accordingly I conclude that it would harm the character and appearance of the area contrary to the relevant adopted local planning policies.
10. I also acknowledge the appellants' submissions in relation to the impact of the proposal on the local area but note that the presumption against development in the countryside is not solely to protect the countryside but to avoid unsustainable patterns of development. While there is some commercial development near by, any future occupiers of the bungalow would be largely tied to the use of a car for any other of their day to day requirements. I do not find that the previous appeal decision referred to supports the sustainability of such developments in these locations, as it specifically concerned farm diversification and highway safety, issues which do not form part of my decision.
11. For the reasons given above and in consideration of all other matters raised I conclude that the appeal should be dismissed.

Mike Robins

INSPECTOR



Appeal Decision

Site visit made on 7 January 2008

by Neil Pope BA (Hons) MRTPI

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

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Decision date:
24 January 2008

Appeal Ref: APP/R3325/A/07/2056667

Farringdon House, The Green, Long Sutton, Somerset, TA10 9HT.

- 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 and Mrs M Taylor against the decision of South Somerset District Council.
- The application Ref. 07/00992/FUL, dated 22/2/07, was refused by notice dated 1/6/07.
- The development proposed is the formation of a new vehicular/pedestrian access from the highway onto the property with necessary landscaping works.

Decision

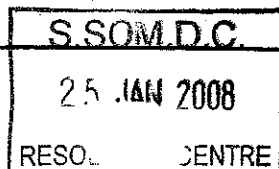
1. I dismiss the appeal.

Main issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Long Sutton Conservation Area, and preserve the setting of the Grade II listed building known as Farringdon House (formerly Long Sutton Primary School).

Reasons

3. Farringdon house is a late nineteenth century stone building with clay tiles that lies within the Long Sutton Conservation Area. It is situated adjacent to the main road (B3165) through the village and is accessed from The Green. The ground floor level of this prominent single storey building is above the height of the B3165.
4. The boundary of the property to the B3165 is defined by a blue lias stone wall with concrete cappings. This wall is stepped to reflect the sloping gradient of the road, with the southern end several metres high and much taller than the section nearest to The Green.
5. I understand that this roadside wall was rebuilt in 1999/2000 when the building was converted into a dwelling. Nevertheless, this substantial feature defines the historical boundary to Farringdon House. From the B3165 this wall provides a strong sense of enclosure to this important building. The height of this wall, its unbroken form, distinctive natural stonework and this sense of enclosure make a pleasing contribution to the street scene. The wall is an attractive feature within the Conservation Area.
6. The proposal would entail the removal of a significant section of this wall to create a new access. In addition, the remainder of the wall would be lowered



- in height to 900mm to provide the necessary visibility splays. This would create a significant gap in this roadside feature and diminish the sense of enclosure. The loss of wall would erode the historical boundary of Farringdon House and unacceptably detract from the distinctive qualities of the Conservation Area and the setting of this Grade II listed building. The development would conflict with national¹ and local planning policies² that are designed to protect the historic environment.
7. The appellants are in dispute with the Parish Council over the use of the existing access from The Green. However, during my site visit vehicles were parked within the curtilage to Farringdon House and other cars were parked around The Green. At present, the appellants are able to access their property. I appreciate that this situation must be distressing to the appellants and note the Parish Council's volte-face in requesting that permission be withheld. However, it is by no means certain that this existing access will be unavailable in the future.
 8. During my visit I also saw vehicles parked along the section of the B3165 that runs alongside Farringdon House. Whilst this includes cars associated with customers visiting the village shop, space is not reserved for such purposes. Therefore, even if in future the existing vehicular access to Farringdon House were unavailable alternative on-street parking exists. In the event this caused an obstruction or hazard to traffic, separate legislation/regulations exist to remedy such matters. The District Council also appears willing to consider favourably a smaller pedestrian access to the site in the event of the property becoming landlocked.
 9. I note the observations of the Highway Authority (HA) who "welcome" the creation of a new access. However, the HA wish to see the access "*located within a more central location within the site, as this will enable adequate visibility in either direction to be achieved.*" Given the gradient of the land, such works are likely to involve considerable engineering works and in all likelihood would result in greater harm to the historic environment.
 10. During my visit I noted other accesses that have been permitted elsewhere within the village. I do not have all the details before me of these other cases to ascertain whether or not the Council has acted inconsistently. Whatever the actual situation, these other accesses do not overcome or outweigh the harm that I have identified above.
 11. Having regard to all other matters raised, I conclude that the appeal should not succeed.

Neil Pope

Inspector

¹ Planning Policy Guidance 15 'Planning and the Historic Environment'
² Policies EH1 and EH5 of the South Somerset Local Plan.