



Appeal Decision

Site visit made on 2 March 2009

by **R W N Grantham** BSc(Hons) C.Chem
MRSC MCIWEM

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

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Decision date:
7 April 2009

Appeal Ref: APP/R3325/A/08/2092767

Land at Willands Farm, Church Path, Aller, Langport, Somerset TA10 0QR.

- 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 W Stamp against the decision of South Somerset District Council.
- The application Ref 08/01432/FUL, dated 26 March 2008, was refused by notice dated 27 August 2008.
- The development proposed is the erection of a bungalow on the site of existing modern barn to be demolished.

Decision

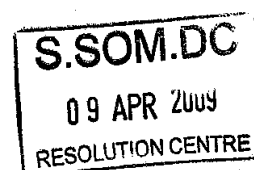
1. I dismiss the appeal.

Main issue

2. The main issue here is whether the proposed scheme would be justified at this location, given the strict controls over housing in the countryside, the importance of sustainable development and the need to steer new dwellings away from areas of high flood risk.

Reasons

3. The appeal site is on the outskirts of Aller, a small rural settlement with limited facilities and no development boundary. As such, the proposals run contrary to Policy ST3 of the (2006) South Somerset Local Plan, because the scheme would neither benefit economic activity nor meet an identified local need.
4. The appellants have strong links with the village, which include an informal social support network, and it is entirely understandable that they would wish to stay here. I also accept that, for health reasons, it would be sensible for them to move into a bungalow but that, to date, they have been unable to find anything suitable. Nevertheless, the building that is now proposed would remain in place for considerably longer than their personal needs.
5. For planning purposes Aller is in the countryside and, whilst it has a public house and village hall, it is remote from many essential services. The proposed development would do little to encourage the long term sustainability of the village and, in these terms, it lacks support from national (PPS3 and PPS7) policies for housing in rural areas.
6. Shops, schools and potential employment opportunities can be found in nearby Langport and Huish Episcopi. However, the route from Aller is poorly suited to

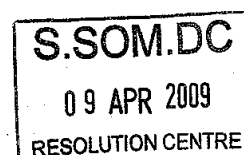


walking and the daytime bus service is about every hour. Whilst the appellants' current circumstances are such that they have little need to leave the village, I consider it highly likely that subsequent occupants of the proposed bungalow would have to travel outside the settlement in order to meet many of their day to day needs. Indeed, I believe that they would probably be heavily dependent on the use of a car for this purpose. This reinforces the conflict with Policy ST3 and would be inconsistent with the principles of sustainable development.

7. The site, including the footprint of the barn which would be demolished to make way for the bungalow, is not previously-developed land under the terms of PPS3. It is agricultural and the barn itself does not look out of place here at the edge of the appellants' field. Nor do I consider it reasonable to describe the development as sensitive infill. This is because the dwelling would be set back behind a neighbouring property and, whilst residential amenity land immediately to the east has recently been extended, even the revised curtilage that the appellants now propose would be seen to encroach into open countryside, thereby eroding its character and harming the village setting. In this respect, the scheme would conflict with Local Plan Policy ST6.
8. Also, it seems that the dwelling itself would be largely within flood zone 3a where, despite the absence of evidence of past events, the probability of flooding is high in terms of government (PPS25) policy on development and flood risk. The Environment Agency withdrew their objection to the scheme, following receipt of a revised flood risk assessment which outlines various mitigation measures. To my mind, however, that assessment does not provide adequate evidence to demonstrate that there are no reasonably available alternative sites in areas where the probability of flooding is lower. It is not sufficient, for the purposes of this sequential test, to limit the area of search to land that is already in the appellants' ownership; that approach is too narrow. The need is to consider the availability of sites on which a bungalow could be built. I recognise that this aspect of the development's impact is not reflected in the Council's reasons for refusing permission for the scheme. Even so, from the available evidence, I am unable to conclude that the proposed development would be consistent with the thrust of (PPS25) policy, which seeks to direct residential development away from areas where the probability of flooding is high.
9. These considerations lead me to the overall view that the proposed scheme would not be justified at this location, given the strict controls over housing in the countryside, the importance of sustainable development and the need to steer new dwellings away from areas of high flood risk.
10. I have taken account of all other matters raised, including the strong local support for the proposals and the appellants' concerns over their treatment by the Council. However, for the reasons given above, I conclude that the appeal should be dismissed.

Rupert Grantham

INSPECTOR





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Decision date:
15 April 2009

Appeal Ref: APP/R3325/A/08/2088806 15 North Street, Martock, Somerset TA12 6DH

- 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 E Sen against the decision of South Somerset District Council.
- The application Ref 07/04715/FUL, dated 10 October 2007, was refused by notice dated 27 June 2008.
- The development proposed is alterations to existing retail food outlet, the carrying out of alterations and extension of loft conversion to provide 3 no. self contained residential units.

Decision

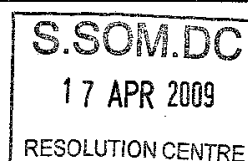
1. I dismiss the appeal.

Main issue

2. The main issue here is whether the scheme would result in reasonable living conditions for occupants and neighbours of the development.

Reasons

3. Under the terms of these proposals, it is not entirely clear where food would be prepared for the appellant's hot food takeaway outlet; the submitted drawings suggest that an area currently allocated for this purpose would be lost. There is already a kitchen, sitting room and bathroom to the rear of the outlet, but the proposed redevelopment and extension of this accommodation would create two self contained units, thereby adding to the number of people living here at the back of the "Kebab House".
4. A door and windows, serving the unit immediately to the rear, would open onto the narrow service passage which runs behind the appellant's outlet and alongside a projection at the back of the neighbouring "Chinese Takeaway" premises at No 17. Both of these hot food takeaways have extraction systems which vent out through the roofs and I understand that there have been no complaints, about odours, in the past. I also accept that the appellant's system could be uprated. However, fumes from the premises next door vent through an outlet on a ridge to the rear and I am concerned that, under certain atmospheric conditions, these could adversely affect the accommodation immediately behind the "Kebab House", particularly as the circulation of air over the service passage would be limited by the increased height of buildings to the south. Whilst I recognise that occupants of this unit could complain and seek improvements to the neighbours' extraction system, it is not sensible to



provide a dwelling where all openings are onto such a confined space, with fumes close nearby.

5. An existing first floor bathroom would be converted to provide this unit with its sole bedroom. In order to provide occupants with reasonable living conditions it would be necessary, in my view, to replace the obscure glazing in its only window with clear glass. However, as I saw when I visited the site, this would invade the neighbours' privacy by allowing direct overlooking, at close proximity, of what appears to be a habitable room at No 17.
6. Certainly occupants of both units, at the back of No 15, would be living in close proximity to activity associated with the takeaway at this address and it would be unreasonable for people unrelated to the business to live here, given the disturbance that could be expected from use of the service passage. Indeed, I understand that the development now proposed, including the altered unit above the takeaway with its direct link to the ground floor outlet, is intended to provide accommodation for the appellant's employees. However, the units would survive long after the appellant's particular needs have ceased to exist.
7. These considerations lead me to conclude that the proposed scheme would not result in reasonable living conditions for occupants and neighbours and that, in this respect, the development would run contrary to Policy ST6 of the (2006) South Somerset Local Plan.
8. I have taken account of all other matters raised, including the appellant's evident frustration at the Council's handling of these proposals. I am also satisfied that, subject to suitable conditions, the development would preserve the character and appearance of the Martock Conservation Area. Nevertheless, for the reasons given above, I conclude that the appeal should be dismissed.

Rupert Grantham

INSPECTOR

