



Appeal Decision

Site visit made on 11 May 2010

by **Chris Anscombe** BTP DMS MRTPI

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

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Decision date:
28 May 2010

Appeal Ref: APP/R3325/A/10/2122675

**Pond Farm, Old A303, Seavington St Michael, Ilminster, Somerset
TA19 0QE**

- 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 & Mrs B Paull against the decision of South Somerset District Council.
- The application Ref 07/03402/FUL, dated 23 April 2007, was refused by notice dated 1 December 2009.
- The development proposed is the change of use and conversion of redundant farm buildings (unit A) into two residential units with an associated B1 workshop (unit B).

Decision

1. I allow the appeal, and grant planning permission for the change of use and conversion of redundant farm buildings (unit A) into two residential units with an associated B1 workshop (unit B) at Pond Farm, Old A303, Seavington St Michael, Ilminster, Somerset TA19 0QE in accordance with the terms of the application, Ref 07/03402/FUL, dated 23 April 2007, and drawings nos.733/A1, 733/02 Rev.A, and 733/11 Rev.A, subject to the 25 conditions set out in the attached schedule.

Preliminary Matters

2. Although the site address is given as Seavington St Mary on the application form, the correct address is Seavington St Michael, as shown above, which is taken from the Council's decision notice.
3. The application was amended in June 2009, before its determination, and the decision was made on the basis of drawings nos.733/A1, 733/02 Rev.A, and 733/11 Rev.A. Those are the plans I have used in my consideration of this appeal.

Main issues

4. The two main issues in this case are:
 - a) the effect of the proposed access arrangements on highway safety; and,
 - b) whether satisfactory provision could be made for surface water drainage.

Reasons

Access

5. The appeal buildings are located to the rear of a terrace of Grade II listed cottages on the north side of the old A303 through the village (now bypassed).

The existing access to the site is a narrow track adjacent to the side wall of the eastern end cottage. The track is shared with that property and enters the site to its rear. As the track is not wide enough for two vehicles to pass and the visibility available to drivers of emerging vehicles is severely restricted by existing walls and vegetation it is not suitable to serve the additional traffic likely to be generated by the proposed development. I consider that the proposal would generate additional traffic as larger agricultural vehicles presently access the highway on St David's Lane, to the east, across a couple of intervening fields.

6. The proposal, as amended, is to create a new access some 20m to the east of the existing, adjacent to a detached dwelling known as Swan Thatch (also Grade II listed). The existing stone wall along the road frontage would be breached and a new bell mouth access would be formed with small splays to either side. The new access drive would be 4.5m wide for at least the first 10m, allowing two vehicles to pass within the site. A permanent new fence would be erected to prevent vehicles associated with the proposed development using the existing shared access.
7. The access would be formed just to the east of an existing, central, traffic island allowing crossing pedestrians a safe refuge, with tactile paving marking this crossing point to the footways on either side. I am satisfied that there would be sufficient space available for vehicles leaving the site and turning right to safely negotiate around the central island, as indicated by the track shown on drawing no.733/11 Rev.A. The existence of the island between the existing and proposed access points, together with their separation distance, would prevent any harmful conflict.
8. The local highway authority accepts that adequate visibility would be available to the west, based on a requirement for a 2m x 90m splay on this road where the speed limit is 30mph. It is acknowledged that the visibility available to the east would be limited due to the position of Swan Thatch and the curvature of the road. However, the view was taken that this would be a significant improvement when compared to existing arrangements. However, the Council did not accept that advice and planning permission was refused.
9. At my site visit I assessed that the visibility that would be available to the east would be about 24m along the nearside kerb. That would be well short of the 90m suggested by the local highway authority. However, in Manual for Streets¹ the stopping sight distance at 30mph is only 40m. In addition, the existing central island adjacent to the proposed access should ensure that vehicles approaching from the east would remain on the far side of the road. It is unlikely that such vehicles would cross the centre line of the road to pass on the wrong side of the central island. In the circumstances I consider that the visibility that would be available at this new access point would be acceptable in this case.
10. On the first main issue I conclude that the proposed access arrangements would have no significant effect on highway safety. There would be no conflict with the development plan, in particular 'saved' Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (2000) and Policies ST5 and EH7 of the South Somerset Local Plan (2006).

¹ Published for the Department of Transport in 2007 – sections 7.5 to 7.7 inclusive relate to stopping distances and visibility requirements.

Surface Water Drainage

11. There is an open drainage ditch adjacent to the eastern boundary of the site which sinks adjacent to the front boundary wall. The Council's Technical Services department advises that this ditch is thought to connect to a pipe in the footway which then crosses under the road and through another private property. It then connects to the main surface water outfall pipe from School Lane, which was formed as part of flood alleviation works carried out in 1996.
12. This ditch sinks at the point where the new access would be formed and would need to be incorporated into those works to maintain a connection to the pipe in the footway. In my view this would be a relatively simple engineering operation that would represent only a minor extension of the piped system beyond the appeal site. I consider that satisfactory surface water drainage could be secured in this case by the imposition of a condition requiring the submission, approval and implementation of this necessary work before the access is formed.
13. On the second main issue I conclude that satisfactory provision could be made for surface water drainage, as required by 'saved' Policy EU4 of the Local Plan.

Other Matter

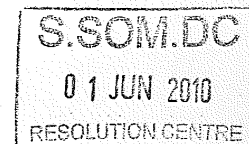
14. At my site visit I noted that some of the roof of building A had been removed following a collapse. This southern end of the building is within the development boundary for the village and is attached to a single storey addition to the rear of one of the adjacent listed cottages. In my view the amount of reconstruction now required for this building would still be acceptable in planning policy terms and would ensure that the setting of the listed terrace of cottages is preserved.

Conditions

15. The Council has suggested 27 conditions. I have considered these in the light of the advice set out in Circular 11/95: *The Use of Conditions in Planning Permissions* (C11/95). I have specified the plans I have considered in my decision at paragraph 1 above so a condition "for the avoidance of doubt" is not necessary. The suggested condition requiring completion within a set time would conflict with the advice in paragraph 61 of the annex to C11/95. I have amended the suggested condition relating to rebuilding as the amount is not specified on the approved plans and, as stated above, there has been a partial collapse of building A since the Council's decision.
16. I have imposed all of the other suggested conditions, some with minor amendments (or amalgamation into a single condition where appropriate), for the reasons given by the Council.

Chris Anscombe

INSPECTOR



SCHEDULE OF CONDITIONS:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No work shall be carried out on site unless particulars of the materials (including the provision of samples to be used for all external walls, roofs and new boundary walls) have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, roughcast, etc). Slate hooks shall not be used.
- 3) No work shall be carried out on site unless full details the new natural stonework walls (for the buildings and the roadside boundary wall), including the materials (including coping details and treatment to both sides of the new boundary wall), coursing, bonding, mortar profile, colour and texture along with a written detail of the mortar mix, have been provided in writing; this shall be supported with a sample panel to be made available on site and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the agreed details, and the sample panel shall remain available for inspection throughout the duration of the work.
- 4) No works shall be undertaken on site unless the following details have been submitted and a sample panel provided on site for inspection and written approval of the Local Planning Authority:
 - a) Full details, including elevational drawings, to indicate the areas to be repointed;
 - b) Details of the method of removal of existing pointing, in this regard mechanical tools shall not be used;
 - c) Details of the mortar mix; and,
 - d) A sample panel of new pointing that shall be carried out in the agreed mortar.Development shall be carried out in accordance with the approved details.
- 5) No work shall be carried out on site unless details of the design, materials and external finish for all new doors, windows, boarding and openings have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.
- 6) The windows comprised in the development hereby permitted shall be recessed in accordance with details to be submitted to and approved in writing with the Local Planning Authority before any work on the development hereby permitted is commenced.
- 7) No work shall be carried out on site unless design details of all roof eaves, verges and abutments, including detail drawings at a scale of 1:5, and details of all new cast metal guttering, down pipes, other rainwater goods, and external plumbing have been submitted to and approved in

- writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.
- 8) No development shall begin until full details of the area(s) of rebuilding works necessary have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out strictly in accordance with the approved details. In the event that completion strictly in accordance with such approved details shall become impracticable for whatever reason, work shall thereupon cease and only be re-commenced if and when consent has been obtained in regard to an amended scheme of works which renders completion of the scheme practicable.
 - 9) No work shall be carried out on site unless details of the roof lights have been submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing, the roof lights shall be top hung and flush with the roof covering. Such approved details once carried out shall not be altered without the prior written consent of the Local Planning Authority.
 - 10) No works are to be undertaken to any structural timbers until details of any alteration have been submitted to and approved in writing by the Local Planning Authority. The works shall only be undertaken in accordance with the agreed details, and if found to be impracticable shall cease until an alternative has been agreed in writing by the Local Planning Authority. Any intervention into historic fabric will be minimal with the introduction of additional timber or steel to the structure always being preferred to the replacement of timber.
 - 11) No work shall be carried out on site unless details of all new services to all bathrooms, kitchens etc, including details of routes of foul water and any ventilation or extraction have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.
 - 12) No work shall be carried out on site unless details of all new and replacement partitions, finishes, plasters, renders, floor surfaces, ceilings, etc., including any making good of any existing structure abutting any of those to be demolished, have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.
 - 13) All electrical and telephone services to the development shall be run underground. All service intakes to the dwelling(s) shall be run internally and not visible on the exterior. All meter cupboards and gas boxes shall be positioned on the dwelling(s) in accordance with details, which shall have been previously submitted to and approved in writing by the Local Planning Authority and thereafter retained in such form. All soil and waste plumbing shall be run internally and shall not be visible on the exterior unless otherwise agreed in writing by the Local Planning Authority.

- 14) No work shall be carried out until details of boundary treatments and any subdivision of the curtilage of the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.
 - 15) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping (planting), which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
 - 16) The building hereby granted consent for B1 commercial use (shown as 'Unit B' on plan '733/A1') shall be used only for the purposes as defined in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
 - 17) The office/workshop unit (shown as 'Unit B' on plan '733/A1') hereby approved shall be solely for the use and benefit of the occupiers of the dwelling (shown as A1) hereby approved. There shall be no subdivision to facilitate separation of the uses comprised in the mixed workshop-home use.
 - 18) The proposed new access shall be constructed in accordance with details shown on the approved plans '733/A1' and '733/11A' and shall be available for use prior to first commencement of the other elements of the development hereby permitted.
 - 19) The proposed access over at least the first 10.0m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.
 - 20) The gradient of the proposed access shall not be steeper than 1 in 10.
 - 21) The existing access into the site shall be stopped up, in accordance with the details shown on the approved plan '733/A1' and its use permanently abandoned within one month of the new access hereby permitted being first brought into use.
 - 22) There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of lines drawn 2.0m back from the carriageway edge on the centre line of the access and extending to the extremities of the site frontage. Such visibility shall be fully provided
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before works commence on the other elements of the development hereby permitted and shall thereafter be maintained at all times.

- 23) Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details, except as otherwise required by this condition, shall be completed and become fully operational before the development hereby permitted is first brought into use. This shall include details of existing storm drains at the proposed new access and measures to retain or replace these so as to prevent discharge of surface water onto the highway or elsewhere beyond the site and these particular drainage works shall be carried out as part of the proposed access works to be completed in accordance with condition 18 above. Following its installation such approved scheme shall be permanently retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.
- 24) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, or other openings (including doors) shall be formed in the buildings, or other external alteration made without the prior express grant of planning permission.
- 25) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to the buildings without the prior express grant of planning permission.