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# Appeal Decision

Site visit made on 25 April 2013

**by Mike Fox BA (Hons) Dip TP MRTPI**

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

**Decision date: 14 May 2013**

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**Appeal Ref: APP/R3325/A/13/2190981**

**Land opposite Autumn Leaves, Pibsbury, Langport, Somerset, 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 Mr Tony Perrin against the decision of South Somerset District Council.
  - The application Ref 12/03862/FUL, dated 24 September 2012, was refused by notice dated 12 December 2012.
  - The development proposed is the erection of a 3 bedroom single storey dwelling with retention of the existing building for garaging.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of a 3 bedroom single storey dwelling with retention of the existing building for garaging at land opposite Autumn Leaves, Pibsbury, Langport, Somerset, TA10 9EJ in accordance with the terms of the application, Ref 12/03862/FUL, dated 24 September 2012, and the plans submitted with it, subject to the following 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: Drawing No. 1/11606/A2 (site plan showing curtilage), undated but received by the Council on 1 October 2012; 1/18/202 entitled *Conversion of Building into Garage Accommodation*, dated October 2012; and 5/11612 entitled *Proposed Floor Plan and Elevations*, dated May 2012.
  - 3) No part of the development hereby approved shall be carried out until details of the following have been submitted to and approved in writing by the local planning authority:
    - a) external materials to be used for the walls and roofs;
    - b) windows and doors recessing and finish;
    - c) hard-standing and boundaries;
    - d) rainwater goods and eaves and fascias; and
    - e) finished ground floor level.The development shall be carried out in accordance with the approved details.

- 4) The development hereby approved shall not begin until details of the junction between the proposed vehicular access and the highway have been submitted and approved in writing by the local planning authority; and the building shall not be occupied until that junction has been constructed in accordance with the approved details.
- 5) Prior to the occupation of the dwelling house hereby permitted there shall be three parking spaces and a turning area provided in accordance with a scheme submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented and the land used for no other purpose and permanently retained as such thereafter.
- 6) The garage doors shall remain capable of providing access to vehicles and the internal floor area shall be left unobstructed to secure vehicle parking. While the use of the garage building shall include ancillary storage space, this shall not extend to any other purpose, including habitable floor space.

### **Main Issue**

2. There is an extant planning permission for a dwelling on the appeal site, together with the demolition of the existing building (use class B1)<sup>1</sup>, so the principle of residential use of the site is established. The proposal, for a dwelling which would be identical in height, scale, design, footprint and use of external materials, to the approved scheme, is to relocate it slightly further away from the road, whilst retaining the existing building for garaging. The **main issue** is whether this would result in a significantly greater visual impact than the approved (fall-back) scheme so as to cause demonstrable harm to the character and appearance of the surrounding area.

### **Reasons**

3. The appeal site is located in the countryside outside any development limits. It fronts the A372 to the north, opposite ribbon development. Agricultural land borders the site to the west, south and east, whilst the surrounding trees provide a measure of visual containment from the wider, open countryside. The existing roadside building, proposed for demolition in the approved scheme, was originally intended for stables, although it was never used as such and a subsequent Certificate of Lawfulness has established its B8 use for storage.
4. The proposal is to retain the existing building, remove its B8 use, and restrict it to a garage and ancillary uses to the main building. The impact of both the retention of the existing building, together with the proposed dwelling relocated further away from the road, is considered by the Council to harm the open and predominantly rural character on the south side of the A372.
5. The relocation of the main dwelling, slightly further away from the road than the approved scheme, would not be sufficient to harm the openness of the site. The existing building, which is side-on to the road, is a simple, rectangular structure with a pitched roof. Its rustic character is reflected in its traditional external materials and recessive colours, and it maintains a relatively low profile.

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<sup>1</sup> Planning permission Ref. 12/02168/FUL for demolition of existing building (B1 Use) and erection of a 3 bedroom single storey dwelling with two car parking spaces.

6. In any event, the lack of permitted development restrictions in the existing permission means that additional extensions and/or outbuildings could be erected, possibly with a greater visual impact than the existing building. Finally, the openness of the appeal site is already compromised to a degree by the natural containment of the mature trees to the west, south and east.
7. Taking all these matters together, I conclude that the difference between the existing approved scheme and the proposal before me is not sufficient to result in harm to the character and appearance of the surrounding area. As such the proposal would not be contrary to any of the core principles in *the Framework*<sup>2</sup>, including bullet points 2 (enhancing places where people live); 4 (design and amenity); and 7 (conserving the rural environment). It would also not be contrary to the design parameters in *Local Plan*<sup>3</sup> policy ST6.
8. The Council also expressed concern in relation to the unsustainable location of the appeal site. However, no new sustainability issues have been raised since the approved scheme was considered by the Council. The increased depth of the enlarged curtilage from that shown on the approved plans would not be excessive, whilst continuing the irregular alignment in the approved plans would leave a narrow gap between the curtilage boundary and the south-west part of the proposed dwelling, which would appear contrived.
9. A number of other concerns have been expressed. It will be for the local planning authority to consider any future planning applications for residential development on the appeal site, if any are submitted at a future date. I have no evidence to substantiate that drainage/flooding problems would be linked to the proposed development, and as the Council has not raised any concerns, I see no reason to disagree.
10. The highway authority stated that should the existing garage space be insufficient to accommodate the need for parking, vehicles would park in the turning area, which could result in vehicles being forced to reverse onto the adjoining A372. I agree with the Council's suggested condition to ensure that an approved parking scheme is submitted which would make provision for an acceptable parking and turning area prior to the occupation of the proposed dwelling; there is sufficient space within the curtilage to accommodate this.
11. The conditions in my formal decision are largely based on those suggested by the Council. Condition (3) is in the interests of safeguarding the character and appearance of the area; I have, however, omitted any reference to roof lights as it is evident from the drawings that no roof lights are proposed. Conditions (4) and (5) are in the interests of highway safety. Condition (6) is in the interests of safeguarding the living conditions of neighbouring occupiers and future occupiers of the proposed development, and highway safety.
12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Mike Fox*

INSPECTOR

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<sup>2</sup> Department for Communities and Local Government: National Planning Policy Framework (*the Framework*); March 2012.

<sup>3</sup> South Somerset District Council: *South Somerset Local Plan*; adopted 2006.