



Appeal Decision

Site visit made on 24 October 2007

by **R J Marshall** LLB Dip TP MRTPI

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

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Decision date:
14 November 2007

Appeal Ref: APP/R3325/A/07/2050281/NWF The Dairy, Granary House, Sea, Ilminster, TA19 0SB

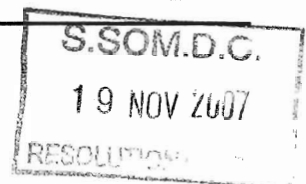
- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr R Doak against the decision of South Somerset District Council.
- The application Ref 06/02497/FUL, dated 5 July 2007, was refused by notice dated 24 January 2007.
- The development proposed is described as "Change of use from: - studio - office to: - private dwelling".

Decision

1. I dismiss the appeal.

Procedural matters

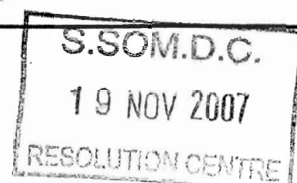
2. I have taken the planning application description given above from the planning application forms. However, the building that is the subject of this application is part of a larger redundant farm building to which planning permission 04/02587/FUL applies. This is for: *Conversion of farm building to three bedroom dwelling with office space/studio space.* Condition 05 of the permission says: *The use of the building shall be for a mixed-use for residential and employment purposes with any employment use being linked directly with the occupiers of the residential element. The use for employment purposes shall only be for any use falling within Class B1 of the Town and Country Planning Use Classes Order 1987 and for no other use without a further grant of planning permission.* The reason given for the condition being: *To ensure that the proposal complies with policies as included in the SSDC Local Plan, and that any employment use does not impact on the residential privacy and amenities of adjacent occupiers.*
3. This permission relates to Granary House and an attached building known as The Dairy. Granary House is to provide the residential element of the scheme and The Dairy the office/studio for use in conjunction with that residential use. This view is supported by the partial works of conversion currently undertaken in accordance with the permission. The intention, from the evidence before me, is to enable The Dairy and Granary House, shown on the current application as in the same ownership, to be used as 2 separate houses with no commercial element. This would conflict with the requirements of Condition 05.



4. I shall therefore take this appeal as being into the refusal of an application for permission to develop land without complying with condition 05 subject to which permission 04/02587/FUL was granted.

Reasons

5. The main issue in this appeal is whether the proposed development in non-compliance with condition 05 of the previous planning permission would accord with development plan policies on the location of development in the countryside, and if not, whether there are any material considerations to justify a decision contrary to the development plan.
6. The development plan for the area includes the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011 (2000) and the South Somerset Local Plan (2006). It seeks to restrict development in the countryside to that which benefits economic activity (Structure Plan Policy STR6 and Local Plan Policy ST3). There is a preference for the business re-use of buildings in the countryside. Planning permission will only be granted in the countryside for the residential re-use of buildings if, amongst other things, all reasonable attempts have been made to secure a business reuse or the residential conversion is a subordinate part of a scheme for a business re-use (Local Plan Policy EH7).
7. The restriction on the use of Granary House and The Dairy in condition 05 clearly accords with these principles. To abandon the mixed-use which that condition requires, and provide a further separate residential unit of accommodation, would be contrary to the broad thrust of the development plan.
8. The appellant seeks to justify the proposal by saying that marketing the property for sale has shown there to be little demand for the use of Granary House and The Dairy in accordance with the earlier permission. However, whilst improved evidence has now been provided on marketing there is no indication that the property was marketed at a price which reflects the planning restriction in condition 05. In the absence of this the appellant's evidence on marketing does not justify a decision contrary to the development plan.
9. Moreover, even if that evidence was available regard would have to be had to the explanatory text to Local Plan Policy EH7. This says that the fact that a conversion for business re-use proves to be unviable does not automatically indicate that planning permission for residential conversion should be permitted. In this case I can see no justification for the creation of a separate residential unit without, for example, consideration being given to The Dairy providing additional living space or ancillary residential accommodation for The Granary.
10. The appellant refers to there being bus services past the site to local towns together with cycle path connections to them. Reference is also made to the fact that even in towns residents may rely on cars. However, from what I saw, the site is far less accessible than sites in most urban locations and these observations provide no substantial support for the proposal.
11. I accept that the commercial part of the combined use given planning permission may in itself attract traffic to the site. Whether this would result in additional traffic beyond that which would arise from the separate residential



use proposed is largely conjectural. In any event even if the combined use gave rise to some additional traffic the disadvantages of that in sustainability terms would not outweigh the development plan support for economic activity in rural areas.

12. The appeal site lies within a small complex of other barns that have been converted to residential use. Their occupants support the proposal. They are concerned that a business use would be a bad neighbour, causing noise and disturbance, internal parking problems and a diminution in levels of security. I consider that such harm need not arise given the limited size of The Dairy and the other restrictions imposed in condition 05. Nor is there any professional evidence to support concerns on highway safety more generally from the combined use.
13. I conclude that the proposed development in non-compliance with condition 05 of the previous planning permission would not accord with development plan policies on the location of development in the countryside, and that there are no material considerations to justify a decision contrary to the development plan.

RJ Marshall

INSPECTOR

