



# 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:**  
**7 January 2008**

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**Appeal Ref: APP/R3325/A/07/2054632**

**Elsinor, Mount Pleasant, Crewkerne, Somerset TA18 7AH**

- 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 the Executors of the Estate of Elsie Lillian Hole against the decision of South Somerset District Council.
- The application Ref 07/00346/OUT, dated 11 January 2007, was refused by notice dated 18 April 2007.
- The development proposed is construction of new dwelling and to alter existing access.

**Summary of Decision: I allow the appeal subject to conditions.**

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## Procedural Matter

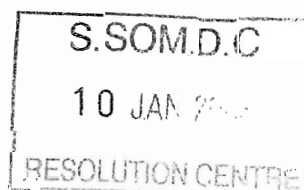
1. This is an outline application with matters relating to external appearance and landscaping reserved. An illustrative layout has been provided as part of the application and I have taken this into account as background information to my decision.

## Main issues

2. I consider there are two main issues in this case, firstly the effect of the development on the character and appearance of the surrounding area; secondly the impact on the living conditions of the occupiers of Elsinor and neighbouring properties.

## Reasons

3. Elsinor is located to one side of a large garden plot which slopes away to the south. The plot lies at an entrance to the town of Crewkerne between the main A30 and Easthams Road. The property is separated from the A30 by a low wall and pavement, with the land dropping away on the property side of the wall such that the A30 is between 1 and 2 metres higher than the garden level. There are Victorian terrace properties to the north across the A30 and the plot slopes steeply down to the south to Easthams Road, where there are similar terraced properties.
4. Elsinor marks the end of a row of bungalows which border the southern side of the A30, and the garden area which is the subject of this appeal forms a gap in the built frontage. On the site there is an existing parking area, a garage and a mature magnolia tree which is located at the edge of the proposed new access. The road at this point has a 20 miles per hour speed restriction and good visibility to both sides of the proposed site. There is on road lay-by parking on the opposite side of the road.



5. The development plan for this area addresses the issue of good design through policies in the South Somerset Local Plan adopted in 2006 (the Local Plan). Policy ST5 sets criteria for new development including the efficient use of land, the need for any proposal to respect the form, character and setting of the locality and for satisfactory means of access to be provided. Policy ST6 details design criteria for developments to relate well to the local area and not unacceptably harm the residential amenity of local residents.

#### *Character and Appearance*

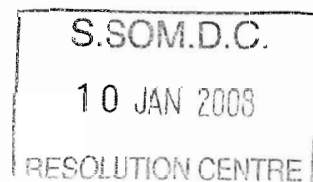
6. The location of the proposed bungalow would be in a gap in the built frontage between the Tower House and the bungalows extending up Mount Pleasant. While this is an important location forming a main approach to Crewkerne, I do not find the slightly advanced position of the proposed bungalow would be intrusive as it would form part of a staggered building line and a natural extension to the row of bungalows. The proposed property would have a relatively low ridge height, matching Elsinor, would be set below the road and pavement level and remain behind an existing stone wall, reducing the visual impact on the street scene.
7. The position of the proposed new property to Elsinor is close, with a separation of only 2 metres, however, this reflects the relationship of the other bungalows found on Mount Pleasant. The proposal also includes a shared parking area and a narrow path connecting this area to Elsinor. While this arrangement appears awkward it is consistent with the shared parking for Treetops and Restormel, located next to the site, and it is similar to the parking available for Elsinor at present. Therefore, I do not find this proposal to be out of character or harmful to the setting of the area.

#### *Living Conditions*

8. The close relationship between the proposed bungalow and the existing property will result in some loss of outlook from the windows in the western elevation. I must consider not only the views of the existing residents but those of future occupants, but find that this is a not an untypical arrangement of bungalows as found in this area and any risk of loss of privacy through the placement of windows in the eastern elevation of the proposed bungalow can be controlled through condition. Outside amenity space would be acceptable for both properties.
9. Concern has been raised with regard to loss of view to the properties to the north of Mount Pleasant, however, I find that the lowered position of the bungalow and the relationship with the two storey properties on Easthams Road would result in only a small change in outlook and no sense of overbearing or enclosure. The proposal is also well separated from the properties on Easthams Road and consequentially any overlooking or loss of privacy would be minimal and similar to that associated with the existing bungalows. I do not find therefore that the proposal is in conflict with the development plan policies in this regard.

#### *Other Matters*

10. Access to the site would replace an existing access serving Elsinor and has been agreed with the Highways Authority. During my site visit I was able to confirm that the suggested visibility splays would be available. The proposal would



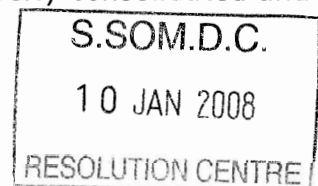
therefore result in the continuation of parking provision for Elsinor and the addition of two further parking spaces for the new proposal, consequently, providing the provision of this parking is ensured, I do not consider that there will be any impact on local parking or on highway safety.

*Conditions*

11. On the matter of the proposed access I consider the conditions suggested by the Council meet the tests of Circular 11/95 and have imposed them other than where they duplicate matters included on the submitted plan. As an alternative to the Council's proposed condition regarding a requirement for formal agreement to ensure continuation of the availability of the parking provision for Elsinor, I have imposed a condition requiring compliance with the submitted layout plan 07/769/01. With regard to the magnolia tree, I appreciate that it is a feature of the site and a very visible specimen on this important route into the town. I have concerns that its retention may interfere with the provision of appropriate visibility splays for access, and have therefore included an additional requirement to the condition as presented by the Council. I have imposed all further requested conditions other than those that concern reserved matters.

**Formal Decision**

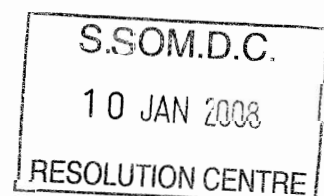
12. I allow the appeal, and grant planning permission for the construction of a new dwelling and to alter existing access at Elsinor, Mount Pleasant, Crewkerne, Somerset TA18 7AH in accordance with the terms of the application, Ref 07/00346/OUT, dated 11 January 2007, and the plans submitted with it, subject to the following conditions:
- 1) Details of the external appearance of the building and the landscaping of the site, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
  - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
  - 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
  - 4) Other than in respect of the magnolia tree, the development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, number 07/769/01.
  - 5) The building shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plan.
  - 6) The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle crossover constructed across the footway fronting the site for the width of the access.
  - 7) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the carriageway edge.
  - 8) The proposed access over the first 4.5m 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 by the local planning authority.
- 9) There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.0m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 33.0m either side of the access. Such visibility splays shall be fully provided before the access hereby permitted is first brought into use and shall thereafter be maintained at all times.
  - 10) The building shall not be occupied until the area shown on drawing No 07/769/01 has been drained and surfaced or other steps as may be specified in accordance with details submitted and approved in writing by the local planning authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles.
  - 11) The existing roadside walls shall be retained at all times except on the frontage to Mount Pleasant where the walls should be realigned adjacent to the access as indicated on drawing number 07/769/01 before the new dwelling is first occupied.
  - 12) The ridge height of the proposed bungalow shall not exceed that of Elsinor unless otherwise agreed in writing by the local planning authority.
  - 13) No windows shall be constructed in the eastern elevation of the new dwelling unless otherwise agreed in writing by the local planning authority.
  - 14) Notwithstanding the information given on drawing 07/769/01, the magnolia tree shall at all times be retained and the plans and particulars submitted in accordance with the condition 1 above shall include:
    - i) a plan showing the location of the magnolia tree;
    - ii) details of the diameter and the approximate height, and an assessment of the general state of health and stability, of the retained tree;
    - iii) details of any proposed topping or lopping of the retained tree and the maintenance schedule that will ensure visibility splays as detailed in condition 9 are maintained;
    - iv) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of the retained tree;
    - v) details of the specification and position of the new wall and of any measures to be taken for the protection of the retained tree from damage before or during the course of development.
    - vi) In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (i) above.

*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:  
21 January 2008

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## Appeal Ref: APP/R3325/A/07/2055104 OS 1474, Wallditch Lane, Merriott, Somerset.

- 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 Miss Margaret Osborne against the decision of South Somerset District Council.
- The application Ref. 07/02219/FUL, dated 4/5/07, was refused by notice dated 28/6/07.
- The development proposed is the erection of 3 stables and hay/feed store for private use, and the change of use to mixed horses/agricultural.

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### Decision

1. I dismiss the appeal.

### Main issue

2. The main issue is the effect upon the character and appearance of the area.

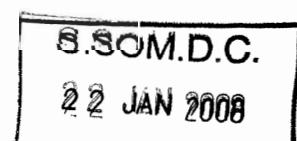
### Reasons

3. National<sup>1</sup> and local<sup>2</sup> planning policies are broadly supportive of equine related development where it maintains the quality and character of rural areas. PPS7 also provides that new building in the open countryside away from existing settlements should be strictly controlled and LP policies ST5 and EC3 include a requirement to protect landscape character.
4. The proposed stable block would be a sizeable building. It would be set in an attractive rural landscape that is characterised by small to medium sized fields which are largely free of buildings. I understand that some of these fields have recently been sold and are now marked out as paddocks with a loose scatter of buildings/structures starting to appear alongside.
5. The proposed development would be located well beyond the settlement limits of the village of Merriott and some considerable distance from the nearest group of buildings. This new building would also be divorced from a much smaller stable in the field to the south and another to the north, which is the subject of a separate enforcement appeal (Ref. APP/R3325/C/07/2053150). The proposal would comprise sporadic development in the open countryside.
6. From the surrounding landscape, including the adjacent public right of way know as Wallditch Lane, the proposed building would erode the unspoilt open qualities of the area. Its size and siting would detract from the pleasing

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<sup>1</sup> Planning Policy Statement 7 'Sustainable Development in Rural Areas' (PPS7)

<sup>2</sup> Policy CR6 of the adopted South Somerset Local Plan (LP)



attributes of this rural locality and fail to respect the intrinsic character of the countryside. The proposal would conflict with the provisions of LP policies CR6, ST5, EC3 and PPS7. Additional screen planting would have little, if any, effect in overcoming this harm to the character of the area. Furthermore, the needs of the appellant's horses would not outweigh this harm and it is not evident that all other suitable sites are unavailable for this purpose.

7. The appellant has referred to the possibility of "*mounting the stables on skids*". However, there are no details before me and it is by no means certain that such a scheme would be exempt from planning control. In any event, I am required to determine this appeal on the basis of the submitted application, which includes a building erected on a concrete base.
8. The surrounding area is clearly subject to some considerable pressure for equine related development, including stables. Whilst I have determined the appeal before me on its own merits, if this scheme were allowed it could make it difficult for the Council to resist similar proposals elsewhere in the area. This could result in further cumulative harm to the landscape. My decision does not turn on this matter but it adds some weight to the argument for withholding permission.
9. I conclude on the main issue that the proposal would unacceptably harm the character and appearance of the area.

*Other Matters*

10. The Council is also concerned over the vehicular traffic that could be associated with the proposal. However, the long-standing agricultural use of the site could reasonably be expected to involve some vehicular activity. It has not been shown that this would be significantly less than that expected for the proposed development. It would be unreasonable to withhold permission on this basis but this does not overcome my findings in respect of the main issue.
11. Having regard to all other matters raised, I conclude that the appeal should not succeed.

*Neil Pope*

Inspector

