



Appeal Decision

Site visit made on 15 June 2010

by **G Powys Jones** MSc FRTPi

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

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Decision date:
23 July 2010

Appeal Ref: APP/R3325/A/10/2122877

Foxgloves, Stockham Lane, South Chard, Somerset, TA20 2PS

- 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 Alan Holmes against the decision of South Somerset District Council.
- The application Ref 09/03705/FUL, dated 24 September 2009, was refused by notice dated 2 December 2009.
- The development proposed is change of use of redundant garage and store to dwelling.

Decision

1. I dismiss the appeal.

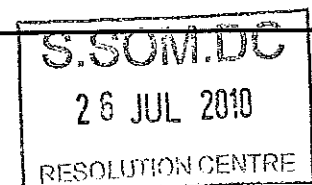
Main issues

2. The main issues are: (a) whether compelling reasons exist to justify the creation of a new dwelling in the countryside; (b) the effects of the proposed development on highway safety, and (c) the effects of the proposal on the living conditions of residents of neighbouring properties by reason of noise and disturbance.

Reasons

Countryside

3. There appears to be no dispute between the parties that the appeal site, for policy purposes, lies in countryside. In this respect, the defined settlement limit runs along School Lane. The appeal property forms part of a group of buildings and dwellings to the south of School Lane, outside the defined limit. However, most of the southern frontage of School Lane, between its junctions with the B3167 and Stockham Lane, is heavily wooded and hedged.
4. The impression I gained, largely because of the extensive and dense vegetation, was that the land to the south of School Lane, irrespective of the well-screened presence of dwellings and other buildings, including the appeal property, had more of a physical affinity with the open countryside beyond to the south than the built-up parts of the village. It is therefore wholly understandable why the defined settlement limit should follow the line of School Lane.
5. The modern garage subject of the appeal is said to be redundant, but that was not borne out by what I saw, since an old Triumph car was garaged within. Nevertheless, even if redundant as claimed, the creation of dwellings in the



countryside is carefully regulated by local and national policies, and the redundancy of a modern building would not, in itself, justify its conversion.

6. No apparent attempt has been made to market the property for commercial use as required under the terms of saved policy EH7 of the South Somerset Local Plan (LP). This appears to me to be one of the essential pre-requisites before conversion to residential use could be considered under the terms of this policy. I note the appellant's reason why such marketing has not taken place, but this, in itself, does not justify a conversion to residential use. *Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7)* also provides that the reuse of existing buildings in the countryside to economic use is preferable to their re-use for residential.
7. However, economic use apart, LP policy EH7 and PPS7 are generally supportive of proposals for the residential re-use of existing countryside buildings, subject to certain criteria being satisfied, and where sustainable development objectives would be met. The Council considers that the core principle of policy EH7 relates to the preservation and retention of high quality buildings, significant to local or national heritage. Whilst I may not share that view in its entirety, in my experience, policy compliant conversion proposals in the countryside normally involve older, redundant agricultural or other rural buildings of some visual merit.
8. Taken in combination, factors such as the modernity of the garage; its planning history; its almost domestic appearance; its current use; the works already undertaken to physically separate the garage from its original host dwelling, Foxgloves; the access works carried out, all lead me to conclude that the appeal proposals do not involve a conversion in the normally accepted and understood sense of the term. In my view, the proposals could justifiably be regarded, not as a genuine conversion proposal, but as an attempt to circumvent national and local policies of restraint, by creating a development tantamount to the erection of a new dwelling in the countryside.
9. LP policy ST3 and PPS7 provide that development outside the defined limits of settlements should be strictly controlled, and that the creation of new dwellings in the countryside requires strong justification. No convincing justification has been made in this case to set aside the strong local and national policies of restraint affecting the appeal site. I therefore conclude that no compelling reason exists to justify the creation of a new dwelling in the countryside, and that the provisions of LP policy ST3 and national policy guidance designed to protect the countryside from unnecessary development would be harmfully compromised.

Highway safety

10. Stockham Lane is narrow, and emerges onto a complex junction arrangement where it meets School Lane, New Lane and Post Office Lane. Visibility distances to the right for drivers of vehicles emerging from Stockham Lane are severely curtailed by the boundary wall and hedge of Crossways House. Even allowing for the relatively modest traffic generation of the proposal, the emerging manoeuvre would prove potentially hazardous. During my site visit, I saw several cars turning from School Lane into New Lane, directly across the mouth of the Stockham Lane junction. In my view, it would have proved

difficult for any driver emerging from the lane at the same time, because of the extremely sub-standard visibility distances, to avoid a collision.

11. I conclude that the increased use of the proposed access would prove dangerous to highway users, contrary to the provisions of saved policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (SP), which requires development proposals to provide safe access to roads.

Living conditions

12. The appellant has built a wall to separate the garage from Foxgloves, and a shared driveway is in place from the garage to Stockham Lane. The Council has not specifically identified the local residents it considers most at risk from noise disturbance due to the increased use of the access. It seems to me, however, having regard to what I saw, that the residents of Crossways House and Crossways Lodge are closest to the access route.
13. As mentioned earlier, the proposal's traffic generation would be relatively modest. The additional sounds of car movements would be unlikely to be noticeable to the residents of the properties concerned that lie close to the junction, described in paragraph 10 above, through which a significant amount of traffic already passes.
14. I conclude that the living conditions of neighbouring residents would not be adversely affected by reason of noise disturbance. Accordingly, the proposal conforms to that part of LP policy ST6 requiring development proposals not to unacceptably harm the residential amenities of occupiers of adjacent properties.

Other matters

15. I have noted the views of local residents and the Parish Council, and have taken account of their comments in my consideration of the main issues above. I have noted, too, that another party owns part of the appeal site, but this is not a matter that has attracted significant weight in my decision.
16. The appellant argues that the proposed dwelling would be well screened, have little visual impact and that the village's amenities are located within a reasonable distance of the site. Whilst these are all points that lend a measure of support to the proposal they are clearly outweighed, in my opinion, by the strong policy and highway safety objections against.
17. I have been referred to several other development plan policies, but I consider those used in my decision letter to be the most pertinent.

Conclusions

18. I find the appeal proposals to be acceptable in respect of the third of the main issues identified in paragraph 2 above. But in respect of the 2 other main issues, I conclude that the appeal proposals would unacceptably conflict with national and local policies governing development in the countryside, and would endanger highway safety. These are sufficient reasons to dismiss the appeal.

19. I have taken account of all other matters raised, but none is of sufficient weight to affect my conclusions on the main issues. Accordingly, for the reasons set out above, the appeal is dismissed.

G Powys Jones

INSPECTOR