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## Appeal Decision

Site visit made on 11 August 2020

**by S Thomas BSc (hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 07 October 2020**

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### **Appeal Ref: APP/R3325/W/20/3253440**

### **Long Sutton Farmhouse, Martock Road, Long Sutton, Langport TA10 9HU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Mr Mark Lewis-Williams against the decision of South Somerset District Council.
  - The application Ref 19/03022/HOU, dated 5 November 2019, was approved on 31 January 2020 and planning permission was granted subject to conditions.
  - The development permitted is erection of a garden shed (revised application 18/03115/FUL).
  - The condition in dispute is No 06 which states that: *Within one month of the substantial completion of the shed or within three months of the date of the decision notice, whichever is soonest, the shipping container should be permanently removed from the land.*
  - The reason given for the condition is: *To safeguard the setting of the listed building in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan 2006-28.*
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### **Decision**

1. The appeal is dismissed.

### **Background**

2. Planning permission<sup>1</sup> was granted at the appeal site for the erection of a garden shed. The appeal seeks permission to carry out the development without complying with condition No 06, relating to the removal of a shipping container at the site. On the basis of the evidence before me, the appellant disputes the principle of the condition which ties the removal of the shipping container to the erection of the shed and also the timescales within the condition for the removal of the shipping container. Accordingly, I have dealt with the appeal on this basis.

### **Main Issue**

3. The main issue is whether the condition is necessary and reasonable in the interests of preserving the setting of a Grade II Listed Building.

### **Reasons**

4. Long Sutton Farmhouse is a Grade II Listed Building (the Farmhouse) within the Long Sutton Conservation Area. The farmhouse is a detached building fronting the main road, with a large garden area. It is a prominent building and

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<sup>1</sup> 19/03022/HOU

- is bounded on its perimeter by an attractive stone wall. The large grounds contribute to the character of this listed building and as such it obtains some significance from its setting including the large gardens which contribute to how the building is experienced.
5. The approved shed will be situated within the rear garden of the Farmhouse. I observed on my site visit that the shipping container is no longer present at the site. Given this, and in the absence of details within the evidence, I am unclear as to the appearance of the shipping container or the exact siting of it within the rear garden. Nevertheless, I observed on my visit there exists views into the garden over the replaced boundary wall at the south eastern boundary of the site and therefore it is likely that the shipping container would have been visible in these views.
  6. It would appear that given the sensitive location of the site within the setting of the farmhouse, the Council in approving the planning application for the shed, did not consider the unauthorised shipping container was an acceptable structure within the setting of the farmhouse. Therefore, in permitting an alternative storage building of a more acceptable design for the occupiers, it does not appear unreasonable to require the removal of an unauthorised structure which the Council considered was harming the setting of the farmhouse. Further, given the nature of a shipping container, I do not consider such a structure would have a positive effect on the setting of the farmhouse. Accordingly, I am not persuaded that the principal of the condition to remove the shipping container is unreasonable.
  7. I acknowledge the appellant's views regarding the timing of the condition for removal of the shipping container. The effect of the condition would give the appellant a period of 3 months to remove it, and in practical terms a period of three months to erect the shed to accommodate its contents prior to its removal from site. I recognise that the shed has not been commenced; however, given the modest size of the timber shed I do not consider a period of 3 months to construct this to be unreasonable. In addition, it has not been demonstrated that the erection of the shed within three months would be unfeasible.
  8. In any event, whilst acknowledging the appellants apparent frustration at the condition, in their evidence they indicate they have complied with it and removed the shipping container. On this basis, given compliance with the condition, I cannot conclude that the timescales for the removal of the shipping container were unreasonable.
  9. I have considered the appellant's reference to an ongoing Listed Building case file. There is no information before me as to any enforcement action regarding the shipping container, however the Council refer to an enforcement investigation regarding demolition of a boundary wall. In any event, whether or not there exists an enforcement case against the shipping container, the evidence does not state the implication of this for the appeal and why the existence of any enforcement case would mean the condition is unreasonable. Accordingly, I attach limited weight to this issue in the determination of this appeal.
  10. I recognise that the appellant has not yet built the shed and given the container has been removed, is forced to store their personal belongings within the garden and house. However, given I have not found the principle of the

removal of the shipping container nor the timings for its removal unreasonable, the inconvenience to the applicant is not considered to outweigh the justification for the condition.

11. Given the identified harm the Council have identified that the shipping container has on the setting of the Listed Building, I can understand the Council's aim to ensure the expedient removal of the shipping container. Accordingly, I am not persuaded that the condition is unreasonable in the interests of preserving the setting of the Farmhouse. I therefore conclude the removal or amendment of Condition 06 would fail to preserve the setting of the Grade II Listed Building.
12. Whilst I find the harm to be less than substantial in this instance, nevertheless it attracts considerable importance and weight. Paragraph 196 of the National Planning Policy Framework (the Framework) says that such harm should be weighed against the public benefits of the proposal and Paragraph 193 of the Framework states that great weight should be given to an asset's conservation. In this case, there are no public benefits advanced that outweigh this identified harm.
13. For the reasons above therefore, I conclude that the proposal to remove the condition would fail to preserve the setting of a Grade II Listed Building. Accordingly, it would be in conflict with Policies EQ2 and EQ3 of the South Somerset Local Plan (2015). Amongst other matters these policies seek that development proposals will be expected to safeguard the setting of heritage assets and should preserve or enhance the character and appearance of the district.

#### **Other Matters**

14. Whilst I note the appellant's representations regarding the neutrality of the Council in dealing with the application, there is no evidence before me to demonstrate any unfair processes have been followed. Whilst photographic evidence was supplied to the Council by a third party advising the shed had been removed, this in itself does not follow the Council has behaved unreasonably.

#### **Conclusion**

15. For the reasons above, the appeal is dismissed.

*S Thomas*

INSPECTOR