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## Appeal Decision

Site visit made on 21 August 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 29 September 2020

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**Appeal Ref: APP/W3330/W/20/3248009**

**Crossways Farm, Slough Lane, Stoke-St-Gregory, Taunton, Somerset TA3 6ES**

- 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 P Broom against the decision of Somerset West and Taunton Council.
  - The application Ref 36/19/0029, dated 4 October 2019, was refused by notice dated 16 December 2019.
  - The development proposed is described as 'Replacement of agricultural buildings and erection of 2 no. dwellings with associated works (following previous prior approval under Class Q – Ref 36/18/0008/CQ)'
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### Decision

1. The appeal is allowed and planning permission is granted for replacement of agricultural buildings and erection of 2 no. dwellings with associated works at Crossways Farm, Slough Lane, Stoke-St-Gregory, Taunton, Somerset TA3 6ES in accordance with the terms of the application, Ref 36/19/0029, dated 4 October 2019, and the plans submitted with it, subject to the conditions in the following Schedule.

### Main Issues

2. The main issues are
  - i) whether the appeal site is an appropriate location for the proposed development having regard to the settlement strategy, access to facilities and services and the effect of the proposed development on the character and appearance of the area and on the significance of designated heritage assets; and
  - ii) whether there are any material considerations which indicate a decision otherwise than in accordance with the development plan.

### Reasons

#### *Location*

3. The appeal site is outside the settlement boundary of Stoke St Gregory as defined in the Taunton Deane Borough Council Core Strategy (2012) (CS). CS Policy SP1 and Policy SB1 of the Council's Site Allocations and Development Management Plan 2016 (SADMP) set out that such proposals will be treated as being in the open countryside. In such locations, Policy SB1 states that proposals will be assessed against CS Policies CP1, CP8 and DM2, and in all cases, must be designed and sited to minimise landscape and other impacts.

4. CS Policy DM2 supports specific types of development in the countryside, none of which apply to the appeal proposal. However, as acknowledged at previous appeals<sup>1</sup>, it does not state that other types of development will be refused. As such, while the appeal proposal does not benefit from any support from this Policy, neither does it conflict with it.
5. Other uses should be determined against CS Policy CP8, which deals with all development and seeks to conserve and enhance the natural and historic environment. Policy CP8 permits development outside of settlement boundaries where it meets a number of criteria, which I will consider in turn.

*National, regional and local policies for development in rural areas*

6. The proposal would deliver housing, which is supported by the vision for rural areas set out in CS Policy SP4. There are however only limited services and facilities in Stoke St Gregory, and there is no evidence before me that public transport is available nearby. Furthermore, the route to those services is via narrow, unlit lanes which are likely to discourage cycling after dark, or walking at any time. Consequently, future occupiers of the proposed dwellings would be reliant on the private car. The appeal site is not therefore in an accessible location. Accordingly, the proposal would conflict with CS Policy CP1a, which seeks to address climate change and create a sustainable environment, including by reducing the need to travel through locational decisions.
7. The proposal is not for housing for rural workers, and as such would not benefit from the support for such development in SADMP Policy H1a, but neither would it conflict with that Policy. CS Policy SP1 seeks to focus development on the most accessible and sustainable locations, but does not preclude development outside those areas. Therefore, although the proposal would not be in an accessible location, I find no direct conflict with that Policy.
8. The site is part of a cluster of dwellings and close to other development along Slough Lane, and as such, it is not an isolated location. The proposal would not therefore conflict with paragraph 79 of the National Planning Policy Framework (the Framework). However, given the limited access to local services and facilities, it has not been demonstrated that the proposal would be located where it would enhance or maintain the vitality of rural communities, as required by Framework paragraph 78.
9. Accordingly, the site would not be a sustainable location for new housing development and would not accord with local and national policies relating to development within rural areas. It would therefore conflict with the first criterion of Policy CP8.

*Design, character and appearance*

10. The appeal site is set behind Crossway Farm, a Grade II listed farmhouse, and various brick buildings, some of which have been converted into dwellings. This group of buildings is set in a relatively open, agricultural landscape of fields with sporadic clusters of dwellings and other buildings, and larger agricultural developments.
11. Although partially enclosed by hedging, the existing agricultural buildings on the site can be seen from various public viewpoints, including the proposed access track across the gardens of neighbouring properties, the public footpath to the east, and St Gregory's Church to the south-west. The existing buildings are typical

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<sup>1</sup> APP/D3315/W/17/3179264, APP/D3115/W/19/3220853

modern agricultural structures of the type commonly seen in such a landscape, however they are somewhat dilapidated and as such detract from their otherwise well-kept surroundings. Consequently, their removal would enhance the appearance of the site.

12. The proposed dwellings would broadly reflect the scale and form of the smaller of the existing barns and would be sited close to the footprint of that building. Their detached form and associated garden areas and parking would nevertheless give the site a domestic appearance, in contrast to the clearly agricultural nature of the existing site. However, the retention of the rear walls of the barn would screen the windows of the dwellings from view from the footpath. As a result, with careful material choices the residential nature of the proposal would not be obvious from that viewpoint. Substantial areas of landscaping are also proposed in front of the proposed dwellings, which would soften the appearance of the site and screen the parking areas. This landscaping would significantly enhance the appearance of the site and mean that the proposed dwellings would not be conspicuous in the landscape.
13. The proposal would also be seen in conjunction with the adjacent converted barns. While they have been sympathetically converted, features such as gate piers, driveways and landscaped gardens are all visible from the road, which give them a domestic appearance. The proposal would not therefore appear significantly different to the neighbouring development, and with the proposed landscaping it would have a rural, rather than suburban, appearance.
14. Consequently, the proposal would be appropriate in terms of scale, siting and design and would enhance the appearance of the site. Although it would result in a significant change to the character of the site, given the contained nature of the site, and with the hard and soft landscaping proposed, the impacts of that change would be limited to the immediate area. Therefore, it would not harm the rural character of the surrounding landscape. I therefore find no conflict with the second and third criteria of Policy CP8, or the requirements of criteria A and B of SADMP Policy D7 to create places with locally inspired characteristics and reflect the site and its context.

#### *Designated heritage assets*

15. Crossway Farmhouse is a substantial thatched building with a walled front garden, which is seen together with the traditional red brick buildings arranged around its farmyard. The listed building derives considerable significance from its architecture and from its functional relationship with the existing and former traditional farm buildings. This group of buildings and the rural surroundings forms the setting of the listed building and make an important contribution to its significance. The conversion of several of the buildings to dwellings has however introduced some domestic elements into that setting.
16. The existing buildings on the appeal site and the farmhouse are not seen together from the road or footpath because of the intervening buildings and hedging. While they are seen in close proximity to each other in wider views, including from the nearby church, modern farm buildings are not unusual in the context of traditional farmhouses and they reflect its relationship to the farm. As such, the existing buildings do not significantly detract from the setting of the listed building.
17. The proposed dwellings would be significantly smaller than the existing barns, and due to the intervening buildings and vegetation there would be little or no intervisibility between them and the listed building. In wider views, the proposed landscaping of the site would provide significant screening, such that the domestic

nature of the proposed development would not be particularly evident. Accordingly, while the proposal would result in a change to the appearance of the site, the nature of that change would not harmfully alter the setting of the listed building.

18. Consequently, the proposal would preserve the setting, and thereby the significance, of the listed building, and would not harm any features of special architectural and historic interest that it possesses. I therefore find no conflict with the requirement of CS Policy CP8 to conserve or enhance the interests of historic assets or criterion B of SADMP Policy D7 which requires development to reflect its historic context.

*Flood risk, habitats and mitigation*

19. Subject to the provision of appropriate drainage measures, which could be secured by planning condition, there is no substantive evidence before me to demonstrate that the proposal would adversely affect water resources or contribute to flood risk.
20. The evidence before me is that protected species are not known to be using the site or buildings proposed to be demolished. However, if any were found during site clearance, demolition or construction, harm could be avoided through appropriate working methods, which could be secured by condition. Therefore, the proposal would protect habitats and species and, with the proposed landscaping, would offer opportunities to achieve net gains in biodiversity. As such, there would be no conflict with the final three criteria of CS Policy CP8.

*Overall conclusion on main issue*

21. While I have found that the proposal would enhance the appearance of the site and would not harm the character of the area or the significance of designated heritage assets, it would conflict with CS Policies CP1 and CP8 in relation to access to services and facilities, and as such with the overall settlement strategy set out in the development plan. Therefore, the appeal site is not an appropriate location for the proposed development.

*Other considerations – existing planning permissions*

22. The Council granted prior approval in 2018 for conversion of the smaller of the existing barns to two dwellings pursuant to Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)<sup>2</sup>. The appellant suggests that this permission would be implemented should this appeal not succeed. From the evidence before me, I consider that there is a real prospect of this occurring.
23. There is also an extant planning permission for change of use of the remainder of the appeal site for use in conjunction with the Class Q dwellings<sup>3</sup>, including a similar landscaping scheme to that now proposed.
24. National and local policies support re-use of existing buildings, including those in the countryside. Conversion of existing buildings can be more resource efficient than new build, recognising the embedded energy already expended in constructing the building. In this case, the appellant has not sought to suggest that the existing building is not capable of conversion, but instead suggests that the proposed buildings would be better insulated, and therefore more energy efficient than the conversion under Class Q. There is however no detailed comparison of the two schemes before me in terms of their resource use, so it has

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<sup>2</sup> Council Ref. 36/18/0008/CQ

<sup>3</sup> Council Ref. 36/19/0018

not been demonstrated that the proposal would be more resource efficient than the approved scheme. Consequently, this does not weigh in favour of the proposal.

25. Class Q does not allow for consideration of the sustainability of the location of the site. Nevertheless, both the appeal proposal and the approved scheme would result in 2 dwellings in the same unsustainable location. Therefore, the proposal would not have a greater impact than the approved scheme in relation to the development plan strategy for housing in the countryside. Both schemes would also make similarly efficient use of land and would provide sufficient parking and suitable access for the proposed dwellings, without harm to the living conditions of neighbours. As such, there would be little difference between them in these respects.
26. The approved plans for the Class Q permission show the intention to demolish the other barns on the site, however no conditions have been imposed to require that demolition to take place within a specified timescale. It also appears that other conditions of the permission, such as parking, could be complied with without demolishing the barns. Moreover, although there is a landscaping condition on the change of use permission, it does not specify a timescale by which the landscaping must be completed. I therefore cannot be certain that the Council could enforce that condition and require the landscaping to be provided. Consequently, if those permissions were implemented, there is no certainty that they would actually deliver the significant benefits to the appearance of the site that would result from removal of the existing buildings and landscaping.
27. However, those benefits could be secured by conditions if I were minded to allow this appeal. Therefore, the proposal would result in significant enhancements to the appearance of the site compared to the existing permissions. Accordingly, although there is potential for the appeal proposal to use more resources than the approved scheme, overall, I consider that it would be a significant improvement on what has previously been permitted.

### **Planning Balance and Conclusion**

28. I have found that the appeal proposal would enhance the appearance of the site and would not harm the character of the area or designated heritage assets. It would also comply with other development plan policies in relation to parking, highway safety and the living conditions of neighbours. It would not however be an appropriate location for housing given the limited access to services and facilities. As such, the proposal would conflict with the development plan taken as a whole.
29. However, there is a realistic fallback position which would result in the same amount of housing being delivered in the same location, and in these circumstances I afford the conflict with the development plan moderate weight. The appeal proposal would however deliver significant benefits to the appearance of the site compared to that fallback position, and this carries significant weight in favour of the appeal proposal.
30. Overall, taking account of the Framework and the above considerations, I find that the benefits of the proposed development compared to the identified fallback position are a material consideration which outweighs the conflict with the development plan and justifies granting planning permission for the proposal. Consequently, I conclude that the appeal should be allowed.

## Conditions

31. I have had regard to the conditions suggested by both main parties, and consider that additional conditions are necessary as set out below, which the parties have had the opportunity to comment on.
32. Conditions are necessary to ensure the implementation of the development and compliance with the approved plans, in the interests of certainty. Mitigation of potential impacts on protected species is required to be in place prior to commencement of development as all site clearance, demolition or construction works have the potential to impact reptiles if present. The appellant has not raised any objections to these pre-commencement conditions within the relevant timeframe.
33. Details of any external lighting proposed are required in order to safeguard bats from disturbance, and ecological enhancements are needed to ensure a net gain in biodiversity. Given the site's history, investigation of potential contamination and remediation as appropriate are necessary in the interests of human health. Details of drainage and foul sewage are also needed to ensure the proposal does not increase flood risk or result in pollution.
34. Details of materials are required to ensure the development has an appropriate appearance. A hard and soft landscaping scheme and demolition of the existing buildings are necessary to secure the enhancements set out above. I have however reworded the suggested conditions to secure landscaping for the whole site and require demolition prior to first occupation of any dwelling, as it is not necessary for this to take place prior to commencement of any other part of the development.
35. Conditions to secure provision of car parking and turning areas are required to prevent parking on the adjacent narrow lane, in the interests of highway safety. Cycle parking is needed to encourage use of sustainable transport modes. However, the Council's suggested condition in relation to garages is not necessary as none are proposed. Provision for broadband is necessary to support home working and reduce the need to travel, as required by CS Policy DM1g and supported by Framework paragraph 112.
36. The Council has suggested that permitted development rights be removed, however given the design of the proposed dwellings, it is unlikely that the type of alterations that could be carried out as permitted development would adversely affect the character and appearance of the area. Furthermore, given the small size of the proposed rear gardens, rear extensions and outbuildings of any significant size would require planning permission, as would any to the front of the proposed dwellings. As such, the suggested condition is not necessary.

*L McKay*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 31117/19 Rev A, 31117/20 Rev A, 31117/25 Rev A, 31117/27,
- 3) No development shall commence, including demolition and site clearance, until all site operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats and other protected species, their legal protection, working practices to avoid harming bats, the working strategy for the project and the procedure should any protected species be encountered. Written confirmation of the induction shall be submitted to the local planning authority by the licensed bat ecologist within one week of the toolbox talk.
- 4) No development shall take place, including site clearance and demolition, other than as required by this condition, until any vegetation in the construction area has been reduced by hand to a height of 10 centimetres above ground level, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures above 10°C) before clearing. Once cut, vegetation should be maintained at a height of 10cm or less for the duration of the construction period. Written notification of these operations shall be submitted to the local planning authority prior to the work taking place.
- 5) No development, other than demolition of existing buildings, shall take place until the history and current condition of the site has been investigated to determine the likelihood of the existence of contamination arising from previous uses and a written report has been submitted to the Local Planning Authority, which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

If the report indicates that contamination maybe present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of any development other than demolition, or at some other time that has been agreed in writing by the local planning authority. No dwelling hereby permitted shall be occupied until any required remedial works are complete and written confirmation that the works have been completed in accordance with the agreed remediation strategy has been provided to the Local Planning Authority.
- 6) No works to or demolition of buildings or structures shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation and the buildings for

active birds' nests immediately before work commences, and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the local planning authority by the ecologist.

- 7) No construction shall take place above slab level of any dwelling hereby permitted until details of the materials to be used in the construction of the external surfaces of that dwelling have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) No dwelling hereby permitted shall be occupied until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
  - i) boundary treatments;
  - ii) hard surfacing materials;
  - iii) planting plans;
  - iv) written specifications (including cultivation and other operations associated with plant and grass establishment);
  - v) schedules of plants noting species, plant supply sizes and proposed numbers/densities;
  - vi) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details, including the agreed implementation programme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 9) No dwelling hereby permitted shall be occupied until the buildings shown on drawing No 31117/25 Rev A to be demolished have been demolished and the resulting materials removed from the site.
- 10) No dwelling hereby permitted shall be occupied until high speed broadband connectivity has been made available to that dwelling.
- 11) No dwelling hereby permitted shall be occupied until works for the disposal of sewage and surface water drainage have first been provided on the site to serve that dwelling, in accordance with details that shall have first been submitted to and approved in writing by the local planning authority. The works shall thereafter be retained and maintained in accordance with the approved details.
- 12) No dwelling hereby permitted shall be occupied until space has been laid out, drained and surfaced in accordance with the approved plans, for the parking and turning of vehicles for that dwelling. Such areas shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with that dwelling.
- 13) No dwelling hereby permitted shall be occupied until cycle parking has first been provided for that dwelling in accordance with the standards set out in Appendix E of the Taunton Deane Adopted Site Allocations and Development Management Plan 2016. Such provision shall thereafter be retained for that purpose.
- 14) No dwelling hereby permitted shall be occupied until the following ecological enhancement measures have first been integrated into the permitted



dwellings or mounted upon suitable trees or buildings, and photographic evidence of their installation has been submitted to the local planning authority:

- i) one Habitat 001 bat box or similar, built into a structure at least four [4] metres above ground level and away from windows on the west elevation of Plot 1;
  - ii) a cluster of five [5] Schwegler 1a swift bricks or similar, built into the wall at least 60cm apart, at least five [5] metres above ground level on the north facing elevation of Plot 1;
  - iii) one Vivara Pro Woodstone Nest Box (32mm hole version) installed mounted on the northerly facing aspect of a suitable tree;
  - iv) one bee brick built into the wall about 1 metre above ground level on the east elevation of both dwellings;
  - v) accessible hedgehog holes measuring 13cm by 13cm in any new fencing installed within or around the site.
- 15) No external lighting shall be installed on any building hereby permitted, or elsewhere within the site, unless in accordance with details that have been submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed, including through the provision of technical specifications, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. Any external lighting installed shall thereafter be maintained in accordance with the approved details.