

MISS K MORRISON

REDEVELOPMENT OF SITE TO PROVIDE 1 NO. SIX BEDROOM DWELLING WITH SEPARATE BUILDING FOR BUSINESS/DESIGN STUDIO/MATERIALS SHOWROOM AND UPHOLSTERY WORKSHOP, AND 3 NO. THREE BEDROOM TERRACED COTTAGES AT THE OLD COAL YARD, WOODHILL ROAD, STOKE ST GREGORY

Grid Reference: 335160.126959

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The proposed development site is located outside the confines of any recognised development boundary limits, in an area that has very limited public transport services. The residents of the development are likely to be reliant on the private car and there will therefore be an increase on the reliance on the private motor car and thus comprises unsustainable development which is contrary to advice given in Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan. Furthermore the site has not been allocated for potential residential development or considered for allocation in the Taunton Deane Core Strategy.
- 2 The buildings the subject of the proposed development are new dwellings which are not proven to be required for an existing agricultural purpose or activities. The application site is outside a town, rural centre or village where development is strictly controlled. Development is restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. The Local Planning Authority is of the opinion that the proposal does not satisfy all of the above criteria and is therefore contrary to the National Planning Policy Framework paragraph 55, the Taunton Deane Policy DM2, Development in the Countryside and Policy STR6 of the adopted Somerset and Exmoor National Park Joint Structure Plan Review, and Policy S7 of the Taunton Deane Local Plan.
- 3 The proposed development would be likely to encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic and thereby add to the hazards of highway users at this point. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policies M1 and M4 of the Local Plan.

PROPOSAL

The application is for a "large" 6 bedroom house for the site owner, designed

specifically to meet their needs – they have 5 children, it is designed so the house could be used as a four bedroom house, with a 2 bedroom annexe to suit potential future uses – granny flat/holiday let; three x 3 bed houses in a terrace, each with a private rear garden, use of shared courtyard which includes external storage, recycling facilities etc.; a studio building of approx 120sqm to house the owner's office/design studio/showroom/meeting room for their business (renovation of Airstream caravans) and a new bus stop is to be provided at the site's frontage. The smaller houses will be designed to Code 5 compliant within the Code for Sustainable Homes, and the larger house as code 4 compliant. There will be boundary landscaping and the particular designs of buildings, which the agent states are sensitive and responsive to the site, the wider landscape and local vernacular and development pattern.

The agent contends that this application will provide an appropriate use for a previously developed site, clean up a contaminated, unsightly and potentially dangerous site which currently attracts antisocial activity such as fly tipping, fulfils a local housing need for the site owner, provides 3 family houses at the lower end of the cost scale, suitable for local families on average incomes, and will provide employment within the studio. The site requires a viable use, there is little demand for storage uses in this location, land remediation is costly, and the rentals would not cover costs, and given there would be nobody on site, there would be a need for high fencing and lighting.

The agent has also advised that the noisy activities would be carried out in the existing industrial unit in Taunton and the 'clean' activities will be suitable to relocate, these include upholstery, bookkeeping and general admin. It is proposed that the proposal would probably employ 3 full time and 2 part time employees, the main workshop would remain in Taunton. He comments that the scheme should respond to the Planning Inspector's comments on the previous refusal and propose suitable transport opportunities, that he considers the Taunton Deane Local Plan to be out of date, that the majority of the houses are outside the settlement boundaries, and are "strung out ribbon development fashion", and that such forms the local vernacular, similar to that on the road from North Curry and Stoke St Gregory.

The submission contains a very detailed Design and Access statement, which sets out the context, including local character, employment and housing needs of the applicant, gives a example of a thriving local employer (the Willows and Wetland Centre), considers transport, including the service currently run by Hatch Green Coaches (with 6/7 buses a day, not Sundays), the Asda bus, the school bus running to Heathfield School in Monkton Heathfield. There is a large section covering the constraints and opportunities of the site with four different design options considered prior to the final submission.

The agent considered the Local Plan to be out of date and being prior to the formal adoption of the Core Strategy, and as the NPPF requires Local Planning Authorities to plan positively for new development and to grant permission where a plan is absent, silent....and that permission should be given where the LA cannot show a 5 year supply of housing. The agent examines various Taunton Deane Local Plan Policies and contends that his proposal is in accordance with those policies, with the exception of S7, which it is contended that there is no room for additional housing within the settlement boundaries, that the settlement boundaries include some housing schemes are standard house types and have layouts which are alien to the local character of the settlement. It is contended in respect to Core Strategy DM2

that there are exceptional circumstances, that the site provides a new and beneficial use for a problematic site that the housing, although not specifically identified in DM2 as one of the permitted uses, would meet all the "subject to" criteria, and thusis acceptable.

The submission has concluded that there is a need for further surveys for Bats and reptiles, this has yet to be finalised.

SITE DESCRIPTION AND HISTORY

The site is located to the east of Stoke St Gregory. It has a number of old former agricultural buildings on its southern side; previously there were buildings on its northern side, but these have been demolished in the last few years. There is an existing access almost opposite some of the outbuildings/garage to Culvercroft, a residential property, to the north-west of the site. There are residential properties to the north-east of the blue part of the site. Farmland surrounds three sides of the site which measures approximately 98m x 31m. The site is located approx 250m from the edge of the settlement limits of Stoke St Gregory as the crow flies, but slightly further as travelled along the narrow country lane with its bends. The road also has restricted visibility and no pavements/footpath.

History:

36/97/0008, permission was granted (03/11/97) for the change of use of the former coal yard and agricultural storage buildings (an 'L' shaped site which excluded the outbuilding now demolished) to general storage purposes, however it appears that this permission was not implemented as the conditions requiring certain works to be carried out within a certain time period were not commenced let alone completed. This application followed the unauthorised use of the site following the cessation of the coal yard use.

36/06/0021, application for the erection of 5 detached dwellings with garages, on a site measuring approx. 95m by 30m: this was withdrawn prior to decision.

36/08/0003, In June 2008, Planning Committee refused the application for erection of 4 dwellings and garaging, the site being approx 65m by 30m, for reasons that the site was located outside any recognised developed boundary limits, and that the new dwellings were not required for a proven agricultural purpose and inter alia were contrary to PPS3 and Taunton Deane Local Plan Policy S7.

36/09/0017 Application for 10 dwellings to include 3 affordable dwellings, refused by Committee on (22/01/10), on the basis of being in an unsustainable location outside development limits, no proven case for an agricultural dwelling and an unacceptable layout in terms of design, and the amount of hard surface, road layout and siting of dwellings. A subsequent appeal to the Planning Inspector was dismissed on basis that of limited access to local services, the private car will be used for many journeys, the site being outside settlement limits, the design is not a high quality, and the scheme has an adverse effect on the character and appearance of the area. A copy of the Inspector's letter of decision is at the end of this report.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

STOKE ST GREGORY PARISH COUNCIL – object

The site is outside the development boundary. There will be a negative visual impact to the street scene with specific view to the ridge height. The site has a historical use for agriculture over 4/5ths of the site for a significant period of time. Concern that a precedent will be set for similar sites in Stoke St Gregory. The roadway to the village has a dangerous corner, very close to the site, which should be addressed prior to any planning consideration being taken.

SCC - TRANSPORT DEVELOPMENT GROUP - object

The proposals are for the erection of 1 six bedroom dwelling, 3 three bedroom dwellings, and a B1 office/ Showroom/ workshop on land known as the old coal yard, Woodhill Terrace, Stoke St Gregory.

The site is located off an unclassified highway. At the time of my site visit vehicle speeds were observed to be in the region of 25mph.

The application site is not currently in use, and does not appear to have been operational for some time. Historically the site has been subject to a number of planning applications, the most recent being application ref. 36/09/0017. This application was refused planning permission and dismissed at appeal.

The site lies outside of any development limit and therefore distanced from adequate services and facilities. As a consequence, the new development is likely to be dependant on private vehicles for most of its residents, deliveries and customers daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in the NPPF and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National park Joint Structure Plan review (Adopted April 2000), and policy S7 of the Local Plan.

Although the site is within walking distance from the village centre of Stoke St Gregory, it is not considered to be an attractive route for pedestrians, due to the lack of footways, poor visibility, and narrowness of the highway.

Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether the benefits of this application or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car.

In terms of detail, the existing access is proposed to be improved to provide access to the three townhouses and the office. Given the vehicle speeds past the site, the available visibility from the access is likely to be acceptable. However, the proposed bus shelter appears to restrict visibility to the west from the access. This issue should be clarified by the agent. For information, visibility splays of 2.4m x 33m are required in each direction. These splays should be shown on a plan for both points of access.

Having checked the road records it appears that the proposed bus shelter is within highway land. As previously mentioned, the provision of this stop is a concern as it

should impact on visibility for vehicles exiting the site. Furthermore, given the low frequency of bus services in the area, I would question the need for a new shelter in this location. Additionally, no information regarding the future maintenance of the shelter has been provided.

Referring to the Somerset County Council Parking Strategy (March 2012), a total of 9 vehicle parking spaces would be required for the three townhouses. A total of 4 spaces would be required for the office. Given the unsustainable location of the application site, the proposed level of parking provision would not be appropriate. The shortfall in parking could potentially lead to on-street parking in the vicinity of the site, in an area where the highway is considered to be substandard in terms of its width and geometry and therefore to the detriment of highway safety.

Aside from the above, the level of vehicle parking for the six bedroom dwelling is considered to be acceptable.

It is noted that the combined cycle store and bin store is proposed. Although this is acceptable in principle, the actual number of cycle spaces does not appear to have been provided. This should be clarified, and should be in accordance with the SCC recommended standards.

In summary, the site is not considered to be in a sustainable location; however, it is matter for the Planning Authority to decide whether the benefits of the proposals outweigh government objectives to reduce reliance on the private vehicle.

The Agent/Applicant should clarify the issues raised with regard to the bus shelter and visibility from both access points.

Based on the information which can be assessed, I recommend that the application is refused for the following reason:

The proposed development would be likely to encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic and thereby add to the hazards of highway users at this point. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policies M1 and M4 of the Local Plan/Core Strategy.

LANDSCAPE LEAD - Subject to detailed landscape proposals it should be possible to integrate the proposals into the local landscape.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - I would recommend a condition due to the past commercial uses of the site.

ENVIRONMENT AGENCY - We have no objection to the application as submitted. Given the previous uses at the site, there is the potential for land contamination to be present. This is not an issue that we would need be involved in because there are no sensitive ground or surface water receptors at or near the site. You may wish to consult your Environmental Health Officer though, to make sure that any risks of contamination are acceptable when considering human health.

HOUSING ENABLING - This application falls below the affordable housing trigger of 5 dwellings or more within the TDBC Core Strategy.

DRAINAGE ENGINEER - I note that surface water is to be disposed of by SUDS however no details have been included. Full details of how surface water is to be disposed of should be forwarded for approval before any planning approval is given. Object to the proposal.

WESSEX WATER - New water supply and waste water connections will be required from Wessex Water; further information is available from WW.

PARRETT INTERNAL DRAINAGE BOARD- the site is just outside the PIDB area and any increased surface water run-off will discharge into the Board's area, within which it has jurisdiction and powers over matters relating to Ordinary Watercourses. The Board's responsibilities require it to ensure flood risk and surface water drainage are managed effectively. Byelaw 3 of the PIDB Byelaws prohibits the introduction of any water or increase in rate into the Board's area without the consent of the Board. The Board would not object to the application if a specific condition (relating to agreement to surface water drainage strategy prior to start on site) can be secured.

BIODIVERSITY - Greenman Environmental management carried out an updated ecological assessment of the site in April 2012. (An original extended Phase 1 Habitat Assessment of the site was undertaken by the same ecologist in November 2006)

The site remains much as it was in previous visits from 2006-2011. The only significant changes being the collapse of one of the barns, roof material missing from some of the central structures, an increased area of scrub and an increase in tipped material on site. Findings were as follows

Birds - The historic barn owl roost identified in 2006 and 2009 had no recent pellets or droppings. A number of common bird species were identified during the surveys.

Badgers - No evidence of badger was identified during the survey on or adjacent to the site

Bats - The surveyor found bat droppings in the two partially intact barns and so has commissioned further bat surveys.

Reptiles - The surveyor considered that the site has become more suitable for reptiles and so has commissioned a reptile survey

I support the recommendations made by the surveyor that reptile and bat surveys are carried out.

CAMPAIGN TO PROTECT RURAL ENGLAND - objects to the application on the

following grounds:-

The proposal is outside the designated development envelope for Stoke St Gregory and is considered as open countryside.

The land has previously been used for agricultural use and is not considered a brownfield site. It should therefore not be considered for residential and commercial use.

ECONOMIC DEVELOPMENT - support

I should like to express my support for the above application at Stoke St. Gregory; particularly the business element of the development.

American Retro Caravans (ARC) Ltd is a family run business based in Taunton, with a workshop on Priorswood Industrial Estate. It specializes in the restoration and refurbishment of vintage Airstream caravans, and has customers throughout the World. The business currently employs 9 highly skilled crafts people, including the owners, and it has a strong local supply network. Over the next few years the business forecasts growing demand for its caravans with a resulting growth in employment opportunities in Taunton.

Having established a strong base in a highly specialized niche the company has identified a need for a quality showroom, which is suitable for receiving customers who are frequently high wealth individuals. The appeal of Somerset and Taunton feature highly in the company's appeal to its customers, and a location, such as that proposed in this application, would provide an excellent opportunity to demonstrate the strengths of Taunton Deane as a business location, drawing upon local pubs to entertain clients and local accommodation for those wishing to stay the weekend. The business attracts national TV and media coverage.

I am informed that, should the application be unsuccessful, the business would consider relocating away from Taunton Deane in order to secure an alternative location for its showroom.

Development of part of the site for the showroom would enable a continued employment use of this former yard, and would enable the employment of 3 to 4 local people, including admin staff , a cleaner, upholsterer and assistant, and the owner.

Representations

Cllr G Slattery - The current application would be a viable way to tidy up this untidy and polluted site , generally considered to be an eyesore in its current condition. I feel that the current application has made considerable efforts to follow local building materials and to take account of vernacular architecture in the village, whilst also incorporating some energy efficient features.

The workshop/ showroom would provide a workplace for a small number of employees (currently 2) and very few vehicle movements along Woodhill, but also provide the opportunity to support local restaurants/pubs by customers.

I am pleased to see that the proposal includes a terrace of three , 3 bedroom

houses. Since so many of the previously 2/3 bedroom private houses have been extended to 3/4/5 bedrooms , there are now comparatively few 3 bedroom houses in the village .As the current housing stock gradually becomes available for sale they will be too expensive for families of primary age or pre school age children. This will have a negative bearing on the pupil numbers at the school as I understand that 3 bedroom houses are more likely to attract families with primary age children, whilst larger homes are more appealing to families with teenage children. I also am interested to see that the larger house is being built with a clear long term plan for a different use for one part of it once the children grow up and may move away.

I would be keen to see as many trees as possible at the roadside, positioned to provide some screening. I would also wish to suggest that the 106/ CIL type consideration is given to the permission so that there can be a contribution to community facilities, since the current pavilion on the playing field is in urgent need of replacement.

Cllr Stone- Having fully considered this important and controversial application and investigated the back ground I have decided to write in to support it.

I do so on the basis that this site is largely a brownfield site with previous industrial use which is extremely unlikely to have a future agricultural use and is not likely to be viable for purely employment uses.

The nature of the site with prominent , dilapidated buildings, contamination with asbestos and coal dust means that not only is this an eyesore within the village but will also be a very expensive site to restore to any positive use.

Only housing development is realistically able to justify the cost of this clean up. If this application is not approved the site is likely to remain an eyesore for many years to come.

This proposal is for only 4 houses, far less than a previous application which was refused. 3 of the 4 houses proposed are modest in size and they are the size of property required in Stoke St Gregory. The site is quite close, an easily walkable distance, to the the village centre where there are a range if services available.

The proposal also includes a single employment unit with a business plan which appears to be viable.

I would point out that there is no local plan allocation for new housing in Stoke St Gregory and this development would allow some small development within the village during the 15 year plan period. There are no other brownfield sites of this size in the village and so it is unlikely to set any sort of precedent.

I would prefer to see some specific changes to the layout. I believe there should be a pavement along the entire frontage of the development so that pedestrians can get off the road at this point. I am pleased to see provision for a bus shelter. I am also concerned about the loss of all the existing trees along the frontage and would like to see at least one of these retained. Also some new tree planting on the frontage would be needed.

I would hope that the applicants might be asked to make a small contribution to

community facilities (the new pavilion for example) in the village.

Finally while the application has not received the support of the whole Parish Council there was a split decision at the Parish meeting where it was discussed and almost half of the Parish Council were in favour of supporting it

I believe that you have received a large number of representations on this application from local residents and many of these are in support. I shall therefore be expecting this application to be going before the Planning Committee so that a proper democratic decision can be made.

County Cllr D Fothergill - As the local County Councillor for the area, I am surprised to once again see this application on the Old Coal Yard site. I believe that similar applications have been rejected. Most recently the application went to appeal and was again rejected by the inspector on a number of grounds. It would appear that little has changed in the overall application for this development and that the well rehearsed previous arguments are still applicable. The key factor in the consideration of this application is the previous use of the site predominantly for agricultural purposes. Within his final summing up the Inspector noted that there was no presumption of the site being available for housing development. By approving the application I believe that you will be condoning the change of use of this (and potentially many other) agricultural site. On this basis alone I would urge you to once again reject the application.

20 letters/emails of Objections -

Policy issues

- Previous applications refused as a result of thorough investigations and reasoned arguments – nothing has changed;
- The Secretary of State dismissed the previous appeal on grounds that whilst the site should be treated as previously developed land, he stated "there is no presumption that land which is previously developed is necessarily suitable for housing development";
- The Inspector concludes that the site would be best served for "agricultural purposes";
- In respect to the unsightly appearance, the Inspector states that whilst this clearly does not contribute to the character and appearance of the area it is of itself not a good reason to allow the appeal, "since the argument could be repeated too often, thereby undermining important policies for the protection of the countryside and achieving sustainable development;
- Increased traffic;
- Development plan policies;
- Outside settlement boundary;
- Unacceptable intrusion into open countryside;
- The site was a farmyard and the major activity was raising calves and milking a small herd of cows, the agricultural storage was mainly feed and bedding, both Taunton Deane and the Inspector regard the site as being in the open countryside;
- Precedent;
- The Design and Access statement states that the development would "clean up a contaminated, unsightly and potentially dangerous site that attracts antisocial

activity such as fly tipping". As a neighbour to the site, have not noticed any antisocial behaviour such as fly tipping, if site had been properly maintained, it would not be unsightly or potentially dangerous;

- Despite of name the old coal yard is an agricultural site not industrial;
- No housing need has been identified which cannot be met by an already earmarked expansion at Polkesfield;
- Anyone could purchase the houses as there is no legal agreement, so not fulfilling a local housing need;
- No details of additional jobs;
- The statement that additional housing would help offset the land remediation costs is not a reason to overdevelop the site;
- As Stoke St Gregory has little employment, the site should be developed for employment;
- Have known the site all my life, only a small area was used as a coal yard, it should not be referred to as the Coal Yard;
- The site has always been predominantly agricultural and should not be developed for housing;
- The recent floods have shown that there is only one viable road into/out of the village to North Curry;
- Stoke St Gregory is remote, has few facilities, the residents would be dependant on the car to access services, leading to an increase in traffic, carbon emissions and have an adverse effect on the environment;

Character

- Changing the heritage of local area;
- Density not in keeping with area which is for properties set back from the road, on large plots;
- As site is elevated, new properties would be out of character;
- The elevated properties out be seen from the West Sedgemoor SSSI;
- The area shown for play is also parking area, access to the business and route used by local farmer as right of way;
- The character of the area would be changed by allowing an intensive and inappropriate development;

Traffic/the local road

- Currently the volume of traffic on the local road is light, this will result in extra traffic;
- There is a dangerous pinch point and blind bend a short distance from the site;
- History of accidents, photos supplied showing a recent accident;
- The road is not wide enough to allow two vehicles to pass each other;
- There is no footpath and the blind bend would result in additional hazard to residents;
- The proposed second entrance is on another bend close to the junction with Windmill;
- No account taken of access requirements through the site, a separate access is required to access land;
- There will be a constant source of conflict due to movement of livestock, agricultural vehicles etc;
- The new access point is at a place which retained cattle in the field, it has never been an access;

Other issues

- The boundary hedge does not belong to the site/applicant;
- The buildings and large house could easily be converted into more properties, similar to the 10 previously proposed;
- Contrary to the Local Plan;
- Close to SSSI with European Status, the rural area should be protected;
- Most of the rubbish has been on the site for many years and is not the result of recent activity;
- Can't understand why the proposal has been submitted, perhaps its who you know;
- The area for caravan display seems incompatible with the residential use;
- Misleading comments in the D&A statement;
- No need for a bus stop;

1 letter supporting the amendments to address the design issues but still objecting to the principle of developing the site as accessibility and settlement limits are unaltered, so the scheme should still be rejected;

21 letters and emails of support - 2 being from same property

Policy

- Three family homes will encourage young local families to stay;
- Small scale development rather than large scale housing estates;
- Should encourage better than average/standard dwellings;
- Village needs more housing;
- The new NPPF gives an opportunity to address the problem of an eyesore;
- The opening lines by the Planning minister of the final NPPF is that the purpose of planning "to help achieve sustainable development. Sustainable development is, in turn, about positive growth – making economic, environmental and social progress for this and future generations."
- The Framework also makes clear that plans and decisions need to take local circumstances into account, that local areas should be able to set local policies that reflect their local circumstances;
- The site is brownfield and decisions should encourage the re use of land which has been previously developed.
- The NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas;
- It will create affordable housing;
- The settlement boundaries are too tightly drawn;
- There is already too much office and light industrial accommodation in the village;
- Good to see "eco-homes";
- Better to use this site than a greenfield site;

Appearance

- The site is derelict;
- Site currently serves no purpose;
- A well designed workshop;
- site needs to be cleaned up;
- the site will be better than many of the newer housing schemes which have been

built;

Employment

- Knowing the applicant, can confirm that the company will use local employees where possible;
- Supports homeworking;
- The clients expect an excellent service, now an office and showroom are needed;
- The applicant has worked hard to get the business going and now they should be able to build their own house and expand the business;
- As the upholsterer who currently works with the applicant, support the new unit, which is closer to its North Petherton base;

Other issues

- Visitors to the company will be recommended places to stay and eat;
- A bus stop will be provided as well as cycle store, the site is within an easy walk of the village;
- Cannot understand the objections;
- Would be beneficial to village amenities;
- Not all The Parish Council voted against the proposal, it was a narrow vote;
- If returned to agriculture, there will be objections to the increase in tractors on the road;

PLANNING POLICIES

NPPF - National Planning Policy Framework,
RPG10 - Regional Planning Guidance for the South West,
TRAN1 - RPG 10 TRAN 1 - Reducing the need to Travel,
RPG10 EN1 - RPG10 Policy EN 1: Landscape and Biodiversity,
RPG10 HO5 - RPG10 Policy HO 5: Previously Developed Land and Buildings,
RSSDR - Regional Spatial Strategy for the SW, Draft July 2006,
STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,
M4 - TDBCLP - Residential Parking Provision,
EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,
EN12 - TDBCLP - Landscape Character Areas,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,

LOCAL FINANCE CONSIDERATIONS

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £4,316

Somerset County Council (Upper Tier Authority) £1,079

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £25,898

Somerset County Council (Upper Tier Authority) £6,474

DETERMINING ISSUES AND CONSIDERATIONS

Policy

Commencing with the Policy framework, the NPPF sets out general guidelines including that the planning system should perform an economic role, a social role and an environmental role, there is a presumption in favour of sustainable development, the NPPF does not change the statutory status of the development plan and states that proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF supports a prosperous rural economy, the creation of jobs, supports the sustainable growth and expansion of all types of business through conversions and new build, promotes sustainable transport, including noting that developments should be located ...so that people can be encouraged to minimise journey lengths for employment, shopping leisure, education and other activities, there should be a wide choice of high quality homes...with housing applications being considered in the context of the presumption in favour of sustainable development, in rural areas, Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently near their place of work in the countryside....where a building would be reused, or be of exceptional design. Good design is promoted, as is the conservation and enhancement of the natural environment.

Core Strategy Policy SP1 Sustainable Development Locations states inter alia that proposals should make efficient use of land and follow a sequential approach, prioritising the most accessible and sustainable locations and maximising the opportunities to make best use of previously developed land where possible....development will be focused on the most accessible and sustainable locations, that being Taunton, Wellington, Wiviliscoombe and Bishops Lydeard. The Taunton Deane Core Strategy does not identify Stoke St Gregory as a location for growth, the nearest being the "Minor Rural Centre" of North Curry, where allocations for new housing developments of up to 50 additional dwellings, through the Site Allocations Development Plan Document. Stoke St Gregory is identified as a village, which retains its settlement boundary, and outside these established settlements proposals will be treated as being within open countryside.

Policy DM2 in the Core Strategy – Development in the Countryside sets out the relevant criteria, which identify acceptable sites for various types of development, but each criteria requires the site to be adjacent to the rural centre or involves restrictions on the proposed use such that only in exceptional circumstances would a development meet the criteria. The proposed scheme is not within the categories of a Community Use, Holiday and Tourism, Agriculture and related, Replacement Dwelling, Affordable Housing or Conversion of existing building. Part of the application, for a design studio/workshop could be considered as Class B use where

the criteria is:-

a Class B business use – these would be supported a) new, small scale buildings up to 500sqm near a public road and adjacent to a rural centre within which there is no suitable site available; b) extensions to existing businesses where relocation to a more suitable site is unrealistic and the economic benefit of the proposal outweighs any harm to the objectives of the policy, c) within existing buildings. It is not considered that the current proposal fits any of the stated criteria.

It is considered that taking into account the new NPPF, the Core Strategy and the still relevant Taunton Deane Local Plan, the site is outside the settlement limits of Stoke St Gregory to such a degree, that it can not be described as adjacent, therefore is open countryside, and the relevant policies are such that there must be exceptional circumstances to allow the proposal as submitted. Whilst there will be some employment, this is very limited and would be transferred from a location approx 1.5km as the crow flies (longer by road) from the site. The agent states that the industrial activities would still take place in Taunton. There may be scope for a small increase, but this is not significant. The applicant currently runs the business from home, which apparently is becoming too small and restricted. Such circumstances could be met by relocating to a larger property with outbuildings, which this Committee sees on numerous occasions and the subject of applications for conversions of barns/rural buildings to other uses. There is no overriding reason why the applicant should construct a new home with studio etc premises at the unsustainable location when there are existing rural buildings suitable for use.

The use of the whole site, subject to consideration of the type of uses for employment is likely to be acceptable, and the provision of some employment on this site is not an issue which is subject to objection from your officers, however it forms a relatively small part of the proposal as to have limited weight and is not of such weight as would overcome the fundamental issue of the site being in an unsustainable location for 4 new dwellings.

Highways/traffic

The County Highway Authority has objected to the application on grounds of siting being outside the settlement limits, and that the bus shelter obstructs the visibility splay. Whilst the latter issue could be overcome the former issue is a point of principle and is fundamental to this application. Residents have commented on the road, its bends and restricted visibility. Photographs have been submitted of one of the accidents which has apparently occurred since the previous application.

Design and layout

These issues have been extensively addressed in the Design and Access Statement, and are considered to be acceptable and a significant improvement on the previously submitted scheme. Proper attention has been paid to the relationships between the dwellings and the areas used for parking, turning etc, the energy efficiency/methods of construction etc, the proposed new planting and mitigation in terms of wildlife. Notwithstanding the acceptability of the detailed layout, the principle that the site is outside the settlement limits has not been overcome. The agent states that there is a ribbon style of the development in the area, similar to that between North Curry and Stoke St Gregory, indeed this type of situation is not uncommon in various parts of the Deane. However such areas are

also classified as open countryside, and there are hamlets and small collections of dwellings in many places, this does not result in the addition of another small area of housing being acceptable in open countryside. Such an argument could be repeated too often elsewhere and would clearly be unsustainable development.

Concern has been expressed in some letters that the six bedroom house is of such size that it could easily be subdivided into several smaller dwellings and that this would result in a greater volume of traffic. The density of the scheme as submitted is acceptable, but it is also conceded that the subdivision of the larger property and the studio is feasible subject to subsequent approval, but this in itself does not make the scheme unacceptable.

Previously developed site.

The agent and supporters of the scheme have emphasised the Inspector's consideration that the site is "brownfield", this was on the basis that there was evidence of coal deposits across a wide area of the site. The Inspector also stated that there is no presumption that land that is previously developed is necessarily suitable for housing development. The NPPF, in its Core planning principles, encourages the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value. The NPPF also states that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities....Whilst the proposal would be a re-use of the site, it is not in a sustainable location. A new bus stop does not in itself make a site a sustainable location. The tidying up of the site is not in itself a reason to grant permission. Whilst some employment may result, it is not a significant overriding factor in the proposal.

Local homes issue.

The agent has said there is an established need for low cost housing in any rural area, the application would provide three 100sqm houses, which would be good quality but aimed at the lower end of the price range in the local housing market, these would fulfil a need for families on average incomes who would not qualify for "affordable " housing. As no legal agreement has been proposed, there is no method of ensuring these would be for local families. In terms of "affordable" housing, there is scope within Polkesfield for further dwellings. The application for the six bedroom house with three x three bed would not significantly add to the housing stock of the Borough, and the unsuitability of this site for such provision is not outweighed by such additional provision. In terms of the overall need for housing within the Borough, the Core Strategy identifies the main locations for growth, and within the areas not covered by the main centres identifies particular villages. Stoke St Gregory is not an identified location for additional dwellings, and overall the Core Strategy has the required 5 year housing supply. There is no over-riding need therefore to depart from the Taunton Deane Local Plan and Core Strategy to allow the addition of four additional houses on the site.

Landscape and wildlife issues.

The application includes an Arboricultural Implications Assessment, tree protection plan and the subsequent proposal includes measures to introduce additional landscape as the existing trees were considered to be of low quality and value and/or should be removed. The wildlife report has been updated since the previous

application, there has been an increased area of scrub, with bare ground, close rabbit cropped sward and mature hedgerow, which make the site more suitable for reptile species. Further surveys for reptiles and bats were suggested by the report.

There has been support for the application, although from the addresses, this has not been from the immediate area/neighbourhood, but from Curland, Meare Green and further afield. Those living in closer proximity to the site have generally opposed the application and have pointed out some anomalies with some of the application's submissions, such as that there is not a significant amount of fly tipping, that this has been there for some time; and furthermore that they still consider the historic use as being predominantly agricultural storage rather than coal depot. There have been no fundamental issues raised by objectors/supporters which has not been covered in the report.

The receipt of the New Homes Bonus is noted, however, your officers consider that this matter carries very limited weight in this case.

Conclusion

The proposal has merit in terms of design and character and the inclusion of some employment opportunities, however the location of the site some 280m away from the settlement boundary renders it unsuitable for residential development. The Planning Inspector stated in September 2010 that there is no presumption that land that is previously developed is necessarily suitable for housing development. That is still the case. Notwithstanding the inclusion of some potential employment, some smaller dwellings and a new bus shelter, there is no overriding reason to grant permission. The pattern of dispersed dwellings in parts of the Borough do not render this site acceptable for housing. There are locations throughout the Borough which have similar or parallel features, and if permission were to be granted for this proposal, it would be difficult to resist other proposals. The site is outside settlement limits, these have been subject to recent extensive consultation and have been agreed, thus are pertinent and appropriate to this site. The scheme does not provide circumstances which should warrant a departure from the strong policy of the Local Planning Authority.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Ms K Marlow Tel: 01823 356460

Appendix A

Appeal Ref: APP/D3315/A/10/2129601
The Old Coal Yard, Stoke St Gregory TA3 6EN

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 Ms Kathy Morrison against the decision of Taunton Deane Borough Council.

The application Ref 36/09/00 17, dated 16 September 2009, was refused by notice dated 22 January 2010.

The development proposed is the erection of ten dwellings (to include 3 x affordable) and associated works,

Decision

1. I dismiss the appeal.

Application for Costs

2. An application for costs was made by Ms Kathy Morrison against Taunton Deane Borough Council. This application is the subject of a separate decision.

Main Issue

3. I consider that the appeal raises a single broad determining issue. That is whether the proposed development should be permitted in the light of national and local planning policies on sustainable development, having particular regard to the accessibility of the proposed development to local services and its effect on the character and appearance of the area.

Reasons

4. The appeal relates to a site formerly used as a coal yard and for agricultural storage. The site has also been used for withy stripping, whereby willows were delivered and stripped on site, which is a light industrial process. I find it difficult to make any clear distinction on the ground as to the extent of former commercial and agricultural activities. However, during the course of my visit, I observed evidence of coal deposits across a wide area of the site. I therefore consider that all of the site should be treated as previously developed land, as defined in Planning Policy Statement 3 Housing (PPS3). However, there is no presumption that land which is previously developed is necessarily suitable for housing development. In my experience, much depends on the detailed circumstances.

5. There is no dispute that the site is outside the settlement boundary of Stoke St Gregory, which lies some 280m to the west and is reached by means of an unclassified country lane leading from the village of Stoke St Gregory to the hamlet of Woodhill. It follows that, whilst there is existing scattered and sporadic development for a considerable distance along the lane (the Woodhill road), the site must be regarded as being in the countryside for planning policy purposes.

6. In such locations saved Policies STR1 and STR6 of the adopted Somerset and Exmoor National Park Joint Structure Plan Review (SP) and saved Policies Si and S7 of the adopted Taunton Deane Local Plan (LP) seek to promote sustainable development by various means, including developing a pattern of land use which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, walking and cycling, whilst minimising the need to use the car. Development outside towns and villages should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

7. The broad thrust of these policies is consistent with national policy, which seeks to locate most development within existing towns and villages in the interests of sustainable development. LP Policy S7 allows for certain exceptions, including development which accords with a specific development plan policy or proposal. However, I have not been referred to any development plan policy or proposal that would justify the redevelopment of this site for housing. Neither is the site identified in draft proposals recently published by the Council relating to the allocation of small

sites for future development.

8. Further guidance on identifying suitable sites for housing development is given in PPS3. This states that suitable locations are those which offer a range of community facilities with good access to jobs, key services, and infrastructure. Woodhill provides few, if any, of these facilities, Stoke St Gregory, whilst lacking significant provision for jobs and high level services, provides a range of basic facilities, including a primary school, village hall, village shop, post office, public house and playing fields. It also provides access to local bus services. In my experience, this is a good level of service provision by rural standards and the Council accepts that Stoke St Gregory itself is a suitable location for new housing development

9. In my opinion, the proposal site is within a reasonable walking distance of Stoke St Gregory. The appellant's evidence, which is not disputed by the Council, indicates that the Woodhill road is lightly trafficked and is used regularly by walkers and cyclists. I note that there have been no recorded personal injury road traffic accidents, including pedestrian and cyclist accidents, along the section of the road leading to Stoke St Gregory in the last ten years. Against this must be set the fact that the Woodhill road is narrow and winding, with poor visibility and limited provision, particularly outside the village, for street lighting and footways.

10. It therefore seems to me that whilst the Woodhill road might provide safe and convenient access to the village during daylight hours and in good weather, this would not be the case outside daylight hours and in poor weather, when visibility would be further impaired. Much the same considerations would apply to any use made of local public footpaths. In my opinion, this would deter people from walking or cycling along the road, particularly during the winter months. This may not be reflected in the appellant's transport assessment, which is based on a traffic count carried out in May and not during the limited daylight hours of winter.

11. For these reasons I consider the accessibility of this site to local services to be limited. For whilst the potential certainly exists for the use of walking, cycling and public transport, I have no doubt that many people would prefer the convenience of travel by car for many of the journeys likely to be undertaken from the proposed development. It follows that the location of the site in relation to local services does not provide any exceptional or over-riding argument in favour of approval.

12. A further consideration is that PPS3 states that local development documents should set out policies and strategies for the planned location and delivery of housing provision to ensure a continuous five year supply of deliverable sites. Although I have only limited information about local housing land supply, the appellant's evidence indicates that the Council may not be able to comply with this requirement at the present time. The appellant has also provided evidence to indicate that the development would contribute towards meeting an identified need for affordable housing in the locality.

13. However, in assessing such matters, PPS3 requires me to have regard to other policy considerations, including the suitability of the site for housing and the quality of the housing to be delivered. In the first instance, I consider that the location of the site outside the settlement limits must weigh against approval, whilst the limited accessibility of the site to local services does not provide a compelling reason to set aside this objection.

14. In the second instance, I share the Council's concern about the inappropriate form and layout of the proposed development, which would create a cul-de-sac development more typical of an urban environment than a rural site adjoining a narrow country lane. Whilst the scheme has evidently been developed to comply with standard highway requirements, this has resulted in a layout based on an estate road with a demonstrably urban character, dominated by carriageways, footways, turning heads and parking bays.

15. Such features do nothing to reinforce local distinctiveness and, whilst I recognise the need to provide for safe and convenient access, I do not consider this to be a sensitive or appropriate design solution for this site. To this extent, the requirements of saved Policy S2 of the LP, which seeks to ensure that development is of a good design, are not satisfied. This objection outweighs any benefit that might arise from increasing the supply of housing land.

16. Whilst I accept the general argument that new housing can help to sustain rural communities and rural enterprise, there is a clear policy presumption that most new housing development should be located within defined settlements. For example, LP Policy L7 will, exceptionally, permit development outside settlements where this supports the rural economy, but only if the development cannot be sited within defined settlement limits.

17. Overall, I find that the above policies are not satisfied, because the development seeks to provide new housing beyond the limits of any defined settlement, where accessibility is limited, and because the design is not of a high quality. This leads me to conclude, on the main issue, that the proposed

development should not be permitted in the light of national and local planning policies on sustainable development, having particular regard to the limited accessibility of the proposed development to local services and its adverse effect on the character and appearance of the area.

18. In other respects, I have considered the argument that it would not be financially viable to redevelop the site for business or industrial purposes. However, I am not persuaded that the site would not be suitable for agricultural purposes, particularly as it has been used at least in part to provide agricultural storage in the past.

19. I acknowledge that the site, because of its rundown appearance, does not contribute positively to the character and appearance of the area. However, of itself, this is not a good reason to allow the appeal, since the argument could be repeated too often, thereby undermining important policies for the protection of the countryside and achieving sustainable development.

20. I note that S106 planning obligations are in place to secure financial contributions towards local provision of affordable housing and play/recreation facilities. A planning obligation to secure provision towards affordable housing is necessary to comply with the Council's policies. Furthermore, detailed information is given in the committee report confirming that there is a need for affordable housing in the area.

21. Although the appellant disputes the need for a contribution towards play/recreation facilities, the committee report explains the reasons why the Council considers there to be an under provision of play and recreation facilities in the area. Although the Council could have provided more detailed information on this point, I

accept the general principle that new housing development creates additional demand for such facilities and, as such, should contribute towards meeting the need for the facilities in the locality.

22. I am therefore satisfied that the planning obligations comply with the national advice in Circular 05/2005 Planning Obligations, as the matters contained within them are necessary in planning terms to enable the development to proceed and could not be the subject of conditions. However, the lack of harm in this respect does not, of itself, justify approval.

23, I have considered all the matters raised, but none is sufficient to outweigh my conclusion on the main issue, which is significant and overriding. Therefore, for the reasons given, the appeal does not succeed.

Simon Miles
INSPECTOR