

ERECTION OF 10 X 2 STOREY DWELLINGS (TO INCLUDE 3 AFFORDABLE HOUSING) AND ASSOCIATED WORKS AT THE OLD COAL YARD, STOKE ST. GREGORY

335157.126966

Full Planning Permission

PROPOSAL

The application is for the erection of 10 (3 x 2-bed and 7 x 3-bed) dwellings, to include 3 affordable units and associated works. The application is accompanied by plans, elevations, design and access statement, affordable housing statement, transport statement, marketing and commercial viability report, ecological assessment, land contamination assessment, planning statement and statement of community engagement.

The dwellings are grouped in pairs of houses with each pair having associated double garages, some of which have parking in front; there is also a parking area for 5 cars shown immediately opposite the entrance to the site. The dwellings are shown to be painted roughcast on a natural stone plinth, with a terracotta profiled tiled roof; windows would be painted timber frames. Carparking and garaging are provided in a cul-de-sac arrangement. Four of the six houses adjacent to the main highway have pedestrian access to that highway. Access is also shown through the site to the adjacent agricultural field. A widened access, new visibility splay with new hedge planting is shown at the existing access.

There are some trees on the site, mainly in two groups, one on the highway frontage, the other between buildings towards the south of the site. These are all shown to be removed, with new planting as hedges to the main highway frontage and some along part of the internal road. Several new trees are shown to the rear of the garage blocks which back onto the road, two at the end of the eastern hammerhead, and one in the parking area.

The planning statement accompanying the application, gives the agent's views on Policy – which are the relevant Central and Local Government policy documents, that whilst it may be a desire to protect the site as an employment site, that this was not a reason for the most recent refusal; that the proposed development accords with the stated policies including S7, as *“in some cases new housing can be acceptable subject to strict controls being in place”*, that the aim of Policy S7 is to ensure any new development that lies outside a defined village limit both benefits the rural economy and maintains and enhances the environment; that the proposed development will support the existing village services such as the school, post office, bus service, village hall, church and pubs and thus benefit the local rural economy. The agent advises that there is no interest in the site for commercial use and that the development for housing would *“improve the character and appearance of the site and surrounding area..... offer both starter low cost homes and affordable housing”*. The existing provision in Stoke St Gregory of public open space, with playing field, football pitches, cricket pitch pavilion, hard tennis court, BMX track and a

playground, and therefore there is no requirement for public open space as part of the scheme. The agent states that the Central Government advice in PPS1, 3 and 7, support the development for housing. The agent states that two thirds of the site was operated as a coal yard for 29 years, that a number of storage buildings were used in association with this business, and the remaining third was used for withy stripping - the willows were delivered to and stripped on the site, which is an industrial process.

The design and access statement states that *“the application site lies on the fringes of the built up area of Stoke St Gregory, and is adjacent to other residential dwellings.”* The dwellings would be simple two storey structures and will reflect the character and quality of the surrounding residential dwellings. The dwellings would attempt to achieve level 3 of the Code for sustainable homes.

The statement of community engagement set out the strategy for this, the outcomes, feedback and response. In summary the agent pointed out the features of the site and the need to consult with the Parish Council and give opportunity for local residents to comment and pre application discussions with the Local Planning Authority and Highways Authority. There were several discussions with the Parish Council, which the agent advises resulted in issues of whether the site was brownfield, highway safety, alternative uses, density and suitability for residential development. The agent advises that the proposed scheme took into account all the feedback received.

The previous marketing report (May 2007) has been supplemented by a statement from agents which states that since the previous report the economy and commercial property market have deteriorated significantly and that it is not felt that there would be any serious interest from commercial investors, developers or occupiers. In the opinion of the ‘commercial’ agent development of the site for commercial use would be unviable particularly in the current economic climate.

At the time of the previous ecological survey, there was record of a roosting/feeding Barn Owl, for which mitigation measures would be incorporated. This has been updated for the current application and it was noted that one barn in the eastern corner was partially collapsed and a large open barn, noted as unsafe in 2006 had collapsed. There had been progressive dilapidation, including loss or failure of roofing materials, leading to rain and light ingress, further limiting the structures suitability for wildlife, particularly bats and nesting birds. The report adds that rats had now been noted, possibly due to fly tipping.

The land contamination report states that there has been no ground investigation, that this will be necessary, given the history for the site, which includes use as a coal depot.

The applicant advises that there will be provision for affordable housing on the site, to be one in three units, with a commuted sum of £24, 793.60, this to be secured through a S106 agreement.

The transport statement has been prepared to assess the transport issues relating to the development site, the proposed development and includes an assessment of the impact on the surrounding highway network. The Policy background is followed by site location and accessibility, the Woodhill road is described as *“lightly trafficked rural road with single carriageways. The road had a variable carriageway width*

between 6.0m at the centre of the existing coal yard depot access and gradually narrows to 4.4m over the length of the site in a south easterly direction. The carriageway width in this direction then widens to a maximum of 6.1m at the centre of the side road junction of Woodhill. The minimum carriageway width in this particular direction measures 3.7m at approximately 150m south east of the existing coal yard depot access.” The statement also states that there are few locations where footpaths exist for pedestrians, but that there are a number of designated public rights of way within the Parish, that can be used by pedestrians to access local amenities as traffic free alternatives to using the existing road network. There are bus services, which can be used to access Taunton in just over half an hour, and the frequency is such that the bus could be used to access employment in Taunton.

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.

History:

1997 permission was granted 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.

2007, an application for the erection of 5 detached dwellings with garages, on a site measuring approx. 95m by 30m: this was withdrawn prior to decision.

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.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The proposed development site is located outside the confines of any recognised development boundary limits. The core of the village of Stoke St Gregory includes a shop, hall and school and can be considered to be within walking distance of the site. However, pedestrians would be reluctant to walk to the village due to the narrowness of the highway its poor visibility and lack of footways. Therefore, pedestrian access to local community facilities cannot be described as safe and convenient.

It should be noted that the residents of the development would be wholly reliant on the private car, contrary to advice given in PPG13, and policy STR 1 of the Somerset and Exmoor National Park Joint Structure Plan Review. The site is more remote from employment, education and retail centres. This is clearly fostering a growth in the need to travel and unsustainable in terms of transport policy.

It must be largely a planning matter as to whether or not the economic benefits of the development outweigh the concerns of the Highway Authority.

In terms of detail the proposed 10 dwellings will be accessed via an internal estate road access. This design layout has since been subject to an audit from our Estate Roads Team which provided the following observations. These are attached on a separate sheet.

The proposal will have access onto an unclassified highway which is subject to a national speed limit. As such under Manual for Streets visibility splays of 59m would be required in either direction. However due to the alignment of the road past the site traffic speeds are limited. I estimate that a suitable design speed to be used for determining visibility splays is 25mph to 30mph. From an inspection and topographical survey forming part of the application, it would appear that suitable visibility splays of 2.4m x 45m could be achieved from the site access. Whilst a 2m wide footway will need to be provided along the western boundary of the bitumen access road up to the private access footpath serving plot 2.

As part of the application a Transport Statement was submitted. This provided details on the proposed amount of vehicle movements which would be associated with this development. The Transport Statement utilises TRICS data sets to estimate a total of 58 vehicle movements per day from the 10 dwellings, including 5 during the AM peak period and 8 in the PM peak period. It is thought that this is likely to be an underestimate as the sites within the database are not representative of this rural location. Nonetheless, the number of movements per peak hour would be less than one every 5-6 minutes. Although the applicants' agent has suggested that this proposal would have less of an impact on the surrounding environment than the previous commercial use of the site there is no evidence within the Transport Statement to support this comment.

It is concluded that the number of trips generated by this development would be relatively small; nonetheless it represents an increase in flow compared to present levels, and probably in comparison to any realistic historical generation from the site.

In terms of parking the proposed development will provide a total of 20 spaces for 10 dwellings. This equates to two spaces per unit. This therefore meets the requirements set out in the Local Transport Plan (Parking Strategy) and Policy M4 of the Taunton Deane Local Plan.

One issue which became apparent during pre application discussions was this proposal would not be served by a continuous footway to the centre of the village. It has the potential to cause an increase in pedestrians walking in the carriageway. A number of possibilities were discussed to overcome this problem. As previously stated the adopted carriageway is governed by a National Speed Limit. However traffic speeds are considerably lower whilst the traffic flows are extremely light. In normal circumstances the lack of an appropriate footway would cause the Highway

Authority concerns. However there are a limited amount of footways within the village so drivers should be aware of pedestrians walking in the carriageway.

The most prudent solution would see the 30mph speed limit to be increase to encompass the proposed application. Such an extension would need to be subject to a Traffic Regulation Order for the extension to the speed limit and the necessary 30mph repeater signs would need to be provided for this at the required distances. Given such an Order is subject to the required legal consultations and procedures under 'The Local Authorities' Traffic Orders (Procedure) Regulations', as an Authority we cannot guarantee that any Order will be implemented. We have had occasions where a Parish Council has refused such a speed limit due to the provision of the required signing.

Therefore to conclude the general layout of the site is considered to be appropriate subject to some minor amendments which are set out above. The amounts of vehicle movements are not considered to be relatively small. The access is considered to be appropriate with suitable visibility being achievable in either direction. Whilst the Highway Authority is not adverse to the speed limit being amended to encompass the site. I therefore raise no objection and if planning permission were to be granted I would require the following conditions to be attached.....

STOKE ST GREGORY PARISH COUNCIL - Parish Council unanimously object;-

- The site is entirely outside the settlement limits of Stoke St Gregory, a key point that no further residential development would be allowed in the village. Stoke St Gregory is not a designated rural centre for further development.
- Precedent for further development of other much larger agricultural sites in the village.
- Concerned about the danger to pedestrians and villagers on road where access is proposed, the road is renowned locally for being extremely dangerous due to double blind bend just before the location of the proposed access. It is the opinion of the Parish Council that the suggestion that the extension of the 30mph speed limit will not ensure the safety of pedestrians. The alternative footpath route is not a practical to the village centre as most of the year it is muddy. All the estates have paths/pavements to the village, contrary to the agent's statement.
- There will be additional traffic along narrow lanes as the new occupiers will use private cars.
- Detrimental visual impact of the proposal, the ridge height will be approx 7m high at the side of the lane, the dwellings will be less than 3m from the road, creating a look not dissimilar to something that would be found in a large town.
- Views would be blocked.
- This area has a sporadic sprinkling of houses, many of these sit in sites similar in size to this development site, and thus it is out of character.
- The site was previously in character with the rural setting prior to its purchase by the current owners, it has become more unsightly in recent times.
- The environmental impact of such scheme is of concern; we understand that the environmental survey was completed at the wrong time of year to gauge the levels of wildlife accurately.
- There are problems of sewage disposal and light pollution, as well as the increased carbon footprint.
- The site has been primarily agriculture for the last 50 years, with a small area

being used as a coal yard; the Parish Council does not agree that this is a brownfield site.

- There is a designated area for three affordable houses with planning permission already granted. According to the last village survey, there is no requirement for any more affordable housing in the area. The village has increased its proportional number of affordable and social housing significantly in the past few years.

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DIVERSIONS ORDER OFFICER - no observations.

WESSEX WATER - the development is within a foul sewer area and there are water mains in the vicinity, the developer will have to agree a points of connection onto the systems, which can be agreed with WW. Notes re other uncharted sewers or mains.

FORWARD PLAN & REGENERATION UNIT - The site is not within settlement limits of Stoke St Gregory, as defined in the adopted TDLP. the proposed residential development is therefore contrary to Policy S7. The site has an established employment use and provides an opportunity for employment development in this rural area where there is a demand for small workshops. the loss of employment land is to be resisted, as set out in Policy EC9.

HOUSING ENABLING MANAGER - Based on the information obtained from the Choice Based Letting system as at 1st November 2009, I can confirm that there is a need for Affordable Housing in Stoke St Gregory. On a site providing 10 houses, the Affordable Housing element would be for three houses and a third commuted sum; the mix required to satisfy this need is 2x3 bed houses and 1x2 bed house plus a commuted sum of £39,586 (based on a 2 bed 4 person house). this comment is provided on the basis of Affordable Housing need and it is up to the Planning Officer to determine whether this is a suitable site.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - no response received.

DRAINAGE ENGINEER - Note that the surface water is to be disposal by means of rainwater harvesting, full details should be forwarded for approval before any works commence on site and be made a condition of any approval given.

LEISURE DEVELOPMENT MANAGER - In accordance with Policy C4 provision for open space must be made specifically it states standards for play and active recreation. In Stoke St Gregory there is an under provision of play – one play area providing 0.3 hectares per 1000 children under 12 while the borough average is 0.4 hectares. This development should therefore make an off site contribution to play to be used to accommodate the additional use.

We are also aware of a need with regard to outdoor sports provision to accommodate the extra demand. A contribution of £1023.00 for each dwelling should be made towards the provision of active outdoor recreation and a contribution of £1785.00 for each 2+ bed dwelling should be made towards children's play provision. The contributions should be index linked.

NATURE CONSERVATION & RESERVES OFFICERS - The info submitted shows that the wildlife value of the site remained similar to that it had been in 2006, the deterioration of the buildings, in particular the loss or failure of roofing materials

leading to rain and light ingress has limited the site's suitability for wildlife, especially for bats and nesting birds. The site is primarily of low to moderate value to wildlife, but its location close to internationally important designated sites Ramsar and SPA offers scope to augment its biodiversity value. In accordance with PPS9, wildlife protected and accommodated in the development, conditions suggested.

Representations

4 Letters of support:

- It is a brownfield site which can be used for residential settlement.
- The site is not characterised as agriculture, this is revisionism.
- It is more appealing to have new dwellings than a derelict rundown site.
- Permission was given in North Curry for 10 houses on the small site of the White Hart PH, in spite of almost unanimous opposition.
- The White Hart developer has a history of pulling down pubs and getting permission, unlike the current applicant who lives locally; she should be supported.
- The access to the White Hart is also on a narrow lane with limited visibility.
- There have been many unsuitable developments in the area, most housing sites were originally agricultural.
- This scheme would further enhance Stoke St Gregory.
- The development would help local businesses and the school intake.
- The site is unlikely to be developed as light industrial.
- There are no pavements in other parts of the village such that residents learn to "look and listen".
- The Government has suggested more housing is needed in rural areas for young families.
- There is a good bus services to Taunton passing the site.

Objections

An 18 page statement with attachments has been received from 2 District Councillors, 1 County Councillor and the Chairman of the Parish Council:

This statement provides evidence from local people as to the background/history of the site and comments about the proposal. In summary points raised are:-

- This site was used for agriculture until the 1960s, and then the coal business "only occupied a small area at the top of the site".
- The name 'The Old Coal Yard' is misleading as the coal yard only operated from the area adjacent to the entrance, the rest of the yard was devoted to agriculture- primarily dairy farming, when it was known as Tom Patten's yard.
- When the yard was sold to the present owners, the estate agent referred to it as '*yard at Woodhill*', and described it as a '*range of dilapidated agricultural buildings*'. The name plate 'The Old Coal Yard' only appeared in December 2008.
- Since the refusal in 2008, nothing has changed.
- Whilst the agent has had several meetings with the Parish Council, the views expressed by the members of the community have been largely ignored, and the papers submitted do not provide a balanced view.
- At a Parish Council meeting in April 2009, the public expressed a number of concerns:-
 - The site is well outside the planning limits of the village;

- The village has no allocation in the Local Plan;
- Woodhill was deleted from the settlement limits and identified as a distinct area of scattered housing in the Taunton Deane Local Plan, this was endorsed by the Planning Inspectorate;
- The Local Plan notes that in recent years there has been significant housing development in the village;
- Half of the new houses built in the last 30 years are housing association affordable houses;
- There are a number of similar sites in the area and it could set a precedent;
- It is not brownfield. This is not brownfield, this has always been a farmyard owned by a local dairy farmer who milked cows, reared calves and stored feed, bedding and agricultural equipment on the site;

- The coal business was restricted to a small area of the yard adjacent to the entrance;
- Withy growing and processing was an integral part of the mixed agriculture in this area, and stripping only occupied the barns at the top opposite the entrance, the rest was given over to livestock farming. Withy processing stopped several decades ago;
- Withy stripping and basket making were cottage industries in this area, does this make the whole area a brownfield site?
- The dangers of the narrow and winding lanes both in the village and the unclassified roads in and out to the village;
- The increased traffic and environmental impact of the proposal;
- The inappropriateness of such a development in a distinctive rural area and so close to the West Sedgemoor SSSI;
- The unsuitability of such a large scale development on this site, it is totally out of keeping with the scattered development along Woodhill.
- At the July Parish Council meeting the agent stated again that the last use of the site was two third coal yard and one third for willow stripping. This is not true. The members of the local community expressed their disappointment that he had not taken account of their views. The concerns were once again outlined.
- The history of the site is explained in detail, the Patten family used the yard for milking cows and rearing calves, and stored feed, bedding and agricultural machinery.
- In the early 1960s the open area adjacent to the entrance at the top of the yard, which had been used for withy work was rented to the Stable brothers, who ran a retail coal business. They used the shed adjacent to store their equipment, and coal was stored in open bays along the hedge (towards Willments Farm).
- After Mr Patten and the Staple brothers retired, the open barns (now demolished) along the road continued to be used by Willments Farm to store feed and bedding until the present owner purchased the yard and demolished them.
- Evidence was provided to support the above statements. This include extracts from a paper prepared for the Economic Development Committee in June 1988, which described the farmyard, with the centre being used as a calf rearing unit, with a site plan drawn by TDBC and SCC officers marking the coal business at the top of the yard on the area to the right of the entrance.

- The 1997 permission was for the retention of use of the former coal yard and agricultural buildings for general storage, the majority of the site was excluded from the permission.
- There are several signed statements from village residents and photographic and written evidence from them.
- In relation to the proposal:
 - the site is remote from major facilities and employment opportunities;
 - the location will promote an increase in traffic and the use of the private car;
 - the lane is narrow, with a number of blind corners, and no pavement;
 - It is the main access route for farm vehicles to West Sedgemoor;
 - The farm next door is also an agricultural contracting business, with many large vehicles, so pedestrians would be reluctant to walk even to access village services;
 - It is likely that parents would use private cars, rather than allowing them to walk to school;
 - The village Plan produced in 2003, with a response rate of 87%, noted that a majority of the village use private cars to travel to work and shops, 65% of households go to Taunton and 10% go to Langport for their regular shopping, only 8% use public transport more than once a month, and only 9% of households use the village shop. There was also a preference for local employment;
 - This village has not been resistant to housing development;
 - About half of the recently built houses have been by Housing associations;
 - In the recent LDF consultations, the consensus was that there was no wish for further development in the village, or to have the planning limits extended;
 - The agent has been selective in references to planning policies and guidance, focusing on the support for residential and ignoring the planning policy which aims to protect the countryside and to ensure that sustainable development should go to defined centres and within defined planning limits;
 - In respect to the RSS, the Deane Growth ...should be where employment and services are located with good accessibility by public transport or walking...that ad hoc development in rural areas and outside settlement limits is not sustainable and has a detrimental impact including the....*'need for private car use to access jobs and services...'*;
 - There are few if any employment opportunities and services are limited;
 - The RSS aims to protect rural areas and comments ...*'ad hoc or sporadic development in the countryside can detrimentally affect the intrinsic quality that national policy is seeking to preserve in rural areas...'* It also adds the need to *'retain the environmental quality of the Deane...'*
 - Objections are raised in relation to Taunton Deane Local Plan Policy S7, and Structure Plan Policy STR6 in relation to no new building outside settlements;
 - The Planning Inspector's report to the Local Plan comments that Woodhill as *'an area of loosely knit low density ribbon development*

well to the east of the main nucleus of the village...To my mind this is an isolated group of dwellings...In terms of the Issues and Options Report defining the settlement limits this is an isolated group of dwellings in the countryside. The inclusion of this area within settlement limit seems to me to be wholly inconsistent with the Council's strategy of rural restraint'

- The site is close to the SSSI of West Sedgemoor, there is a need to maintain and enhance biodiversity and protection for sites of international and national importance;
- The development would have little or no benefit for the community;
- Reference is made to PPS1, PPS3, PPS7 and PPG13, and comments that this proposal is not in accord with those guidelines.

27 letters of objection received raising the following points;

- The road is narrow, with no pavement or verge on which to go as cars, lorries, agricultural vehicles and buses go by;
- the footpaths mentioned as alternatives are indirect, often muddy, with stiles, and unlikely to be used by the elderly, pre-school children;
- it is a predominantly agricultural site, not a brownfield site;
- the coal yard was only a minor part of the site, the remainder was used for cattle and hay;
- The assertions in para. 5.17 (that two thirds of the site was operated as a coal yard, and the other third used for withy stripping) of the applicants Planning Statement about the previous use of the site are untrue, and appear to be an attempt to deliberately mislead planning officers;
- The site is outside village envelope/limits;
- Nothing in the application gives grounds for making an exception to building outside the development limits;
- Would set a precedent for other developments on similar sites;
- Increase in number of cars would add to danger on the road;
- The road gets flooded and additional run off would add to this;
- At one the site, which was been used as a milking parlour, was used for horses;
- There is already sufficient land within the village for more housing so there is no need for any more;
- There is a double bend close to the site, where lorries and buses meet, which means that people have to reverse back around the bends, which could be dangerous to any children walking along the road;
- Potential overlooking to neighbour;
- Most of the submitted details relate to how the application should be implemented rather than why the local plan should be disregarded;
- No case has been made for this estate type housing;
- There is already a site for low cost housing for local people;
- Whilst the site is unsightly, this is not sufficient to result in housing development;
- This would destroy the rural nature of Woodhill;
- Extra vehicular traffic along Woodhill would be detrimental to the health and safety of residents;
- The (Local Plan) Planning Inspector concluded that residential development should be resisted in Woodhill in order to preserve its rural nature;
- The proposal conflicts with Policies STR6 and S7;

- There is no justification to extend outside village limits, if this was approved, then house building could be allowed along any lane irrespective of any Policy;
- When the present owner bought the property, it was allowed to become derelict and unkempt;
- No effort has been made by the owner to attract a commercial operator in recent months, and allowing the site to become an eyesore is a disincentive to any potential purchaser;
- The use of the site for a low impact commercial use such as storage or workshops would support the need for local employment;
- The proposed layout is not at all sensitive to the style or setting of the local area;
- The elevation of the site will result in the site being visually intrusive from all vantage points including roads, and footpaths in adjacent fields;
- Loss of biodiversity due to all the hard surfacing; the wildlife mitigation proposals, the bat boxes, seem inadequate compensation;
- Whilst much is made by the agent of policies, specific pertinent justification is lacking;
- An estate of 10 houses built in this location is out of keeping with the general character of other development in the Woodhill area;
- Several of the houses are so close to the road to be overbearing;
- Drainage – on 2 occasions, the main sewer close to objector's dwelling has blocked resulting in raw sewerage onto front drive, another 10 dwellings will make matters worse;
- The site appears more of an eyesore as the hedging at the front has been removed, but this is not a reason for granting permission;
- Woodhill comprises a hamlet of low density scattered housing; this would be out of character;
- There are a number of pedestrians who currently use this road including rambling clubs and local residents, there will be increased danger to these people from the proposed development;
- As previous applications have been refused, there are no new reasons why this should change;
- Stoke St Gregory has already exceeded the required number of affordable homes in the village, and there is still a site available;
- Recent new builds have been instructed to be 10m back from the highway, the current scheme does not reflect this, this would create not a country lane, but a street scene being "creeping urbanisation";
- The erection of a small housing estate including street lighting is not suitable for a rural environment such as Woodhill;
- Putting in 4 access points for pedestrians would increase the danger of the road which is only wide enough for one vehicle at the point of the proposed access;
- There have been many accidents on this stretch of road;
- Objects as the applicants have made no effort to separate the agricultural access from the new development, any sharing of the access would lead to aggravation; as this is an agricultural access, it would be impossible to move vehicles, and animals through the development without damage;
- There is a lack of employment opportunities in the village, thus there would be commuting to Taunton or Bridgwater, using inadequate unclassified roads, thus the development will foster growth in the need to travel;
- Given that the site is approx 400m from the village and it is dangerous for people to walk to the bus stop, and it would be unlikely that commuters would

use this service, the scheme is contrary to Local Plan S7 and STR6 and does not maintain or enhance the environment;

- The site has been extended by 10-20m eastwards, such that farmland has been purchased to fit in proposed units 6, 7 and 8;
- The residents who rented the field between 1998 and 2002 confirm that the fence has been moved to enlarge the site;
- The rights of way described in the agent's highways statement are recreational; footpaths which become very muddy in winter;
- It is unlikely that people will use these paths to access the school given the circuitous route; the route would involve a three quarters mile detour, across 6 fields and over 5 styles – not an alternative for the disabled, elderly or most people in wet weather;
- There has been no account taken of the objections/comments made at the public consultation;
- The site is liable to flooding;
- The site is close to the West Sedgemoor SSSI, an area which is afforded the highest level of protection under the local plan and there has to be a very strong justification for development;
- The site should be closer to infrastructure and reliable transport links;
- Development could easily be extended eastwards due to the road layout;
- The locations of the public footpaths shown in the submission is inaccurate;
- The drainage in Woodhill is inadequate, in bad weather the storm drains and sewer get blocked and overflows;
- The process of community engagement was considered unsound and lacked credibility, the residents of Woodhill were not contacted.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,

PPS3 - Housing,

PPS4 - Planning for Sustainable Economic Growth,

PPS7 - Sustainable Development in Rural Areas,

RPG10 - Regional Planning Guidance for the South West,

SS19 - Rural Areas,

H03 - RPG 10 H03 - Affordable Housing,

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,

STR3 - Rural Centres and Villages,

STR6 - Development Outside Towns, Rural Centres and Villages,

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

S7 - TDBCLP - Outside Settlement,

M4 - TDBCLP - Residential Parking Provision,

H9 - TDBCLP - Affordable Housing within General Market Housing,

C4 - TDBCLP - Standards of Provision of Recreational Open Space,

EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,

EN12 - TDBCLP - Landscape Character Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The site is outside the settlement limits of Stoke St Gregory, and is not considered to be on the edge of such limit. It is located to the southwest of the scattered dwellings in hamlet of Woodhill. The site's history indicates previous use for agriculture including dairy, agricultural storage purposes with a small part (to the west) used as a coal depot. The permission granted in 1997 for general storage purposes appears not to have been implemented, certainly there are conditions requiring certain works to be carried out within a specified time period were not commenced let alone completed.

Whilst the agent contends the site is brownfield, from the evidence supplied from many local residents and the Parish Council, it is considered that part only may be considered brownfield and that used for agriculture/agricultural storage is excluded from such definition. In terms of the support received; the 'brownfield status' is not accepted; the removal of unsightly derelict buildings is not a reason for granting permission for another use; the White Hart site (North Curry) is not a similar type of application, that site being within settlement limits; it is acknowledged that the site appears unsuitable and/or unviable for commercial uses/development; it is not clear how this scheme would enhance the character of the area. Whilst additional facilities may support local facilities, such facilities may choose not to use these facilities and again such possible support is not a reason to grant permission; to assume that new local residents will take care whilst walking along the lanes is noted, but such is not a guarantee of highway safety. Whilst additional housing is generally an aim of Central Government, such aims do not mean that all applications for housing should be allowed; the views of the merits of the bus service often vary depending on personal experience.

In terms of objections raised; the use of the site has been noted by many local residents, local Councillors and the Parish Council as having mainly been used for agriculture/agricultural storage, dairying, pasture for many years, and not as mainly a former coal yard, in which case, the whole site is not considered to be brownfield, only part may be brownfield. Some residents have concern that withy stripping is an agricultural process not an industrial process; but the latter is established in case law. However it appears that the withy stripping activities were several decades ago, with agricultural or other uses following, and such use (withy stripping) is considered to be abandoned. Even if the whole site was to be considered to be brownfield land, this does not indicate that it should be used for housing development; Para. 41 of PPS3 states *inter alia...at least 60% of new housing should be provided on previously developed land, this includes land and buildings that are vacant or derelict...Local Planning Authorities...will in particular, need to consider sustainability issues as some sites will not necessarily be suitable for housing.*

Views about the agent's consultation with the Parish Council have been made which suggest that the concerns expressed have been ignored by the agent, and that the consultation could have been more widely carried out with local residents. It is reasonable to accept that agents may have a different view to local residents, especially as to the acceptability or otherwise of a proposal. Pre-application consultations with local residents are encouraged to identify areas of concern and address these where possible. Not carrying out, or not amending proposals in accordance with local residents responses is not a reason in itself to refuse planning permission.

The Inspector's comments regarding the Local Plan are noted – the site is outside village limits, he noted the character of the area and agreed that this area should not

be included within any settlement limit. Whilst some villagers may prefer to see some local employment, this site may not be the best site for such use, given the nature of the access and distances to markets and for deliveries, nonetheless, should a low key traffic generating business wish to establish here, it would be given due consideration. In PPS4, re-use of buildings in the countryside for economic development purposes will usually be preferable...LPAs should "*support small-scale economic development where it provides the most sustainable option in villages, or other locations, that are remote from local services, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport*". The site is not 'allocated' in the Local Plan for employment use, it is 'allocated' as open countryside, *the Forward Plan & Regeneration Unit* -has nonetheless indicated opportunity for use for employment is appropriate, and loss of employment land should be resisted as per Policy EC9. The land/buildings are currently not used for employment, thus such policy is not strictly relevant. The previous refusal (2008) did not include this reason for refusal, and it is not considered to be appropriate to include this reason now as there has not been a significant change in circumstances since that decision.

The traffic issues are assessed by County Highways Authority, which advised that the site was outside settlement limits and that the residents would be wholly reliant on the private car, that the site is remote from employment education and retail centres, which would clearly foster a growth in the need to travel and is unsustainable in terms of transport policy. The traffic generation is likely to be more than the previous commercial use, the figures supplied in the Transport Statement appear to be an under estimate, and the site is also remote from services and pedestrians would be reluctant to use the road to walk along. The internal highway layout is acceptable in general terms with some amendments needed.

The resident's comments regarding the speed limits and that traffic does not go fast due to the road configuration, yet the same road alignment and restricted width also can lead to 'bumps'. There is no official record of accidents along this stretch of road.

There may be a degree of loss of privacy as two storey buildings are proposed with windows overlooking the garden area, but the objector's dwelling is on the opposite side of the road, and any potential overlooking is not sufficient to warrant refusal in this case. The site is elevated above the road, and the proposed dwellings appear to be at this elevated level and thus are by this factor likely to be visually imposing. The proposal includes provision for protection of wildlife (bat boxes), and this is as agreed by the Nature Conservation and Reserves Officer. The proximity (approx. 0.6km) to the SSSI does not prevent the development on this site.

The Council's Drainage Officer has considered the drainage issues raised by several objectors, but has stated that he has no knowledge of surface water flooding in the area. Wessex Water has not identified up any problems in their consultation response.

The Building For Life assessment exercise indicates a poor scheme. The layout of the development is not one which is considered to be sympathetic to the character of the area. There is a significant area of highway, generally small garden areas to some units, the relationship between units could be better, the siting of parking spaces immediately opposite the site entrance is considered poor as are the pedestrian routes from garage/parking space to the units, which often results in

going into the dining room at some distance from the parking. Generally the whole scheme appears to have started from the highway estate road 'requirements', which does not lead to a 'rural' scheme. It is considered to be at odds to the general character of the area. The form of the scheme is such that the garages are almost as large as the dwellings, which together with the parking area, appears to dominate; the units which front the highway do not relate well to the road. The design and access statement indicates that home office facilities would be provided, but no details are shown and no rooms identified. Thus for the development as a whole, it seems that these factors appear to indicate significant work in terms of policy issues, but poor in terms of quality of design. There are other culs-de-sac in Stoke St Gregory, but were established some years ago, and any new developments should be of more contemporary thought, having regard to character, place, design concepts and environmental issues. The scheme appears to be a suburban estate in open countryside and does not contribute in a positive manner to this open countryside site.

In terms of affordable housing, each scheme for 'general' housing in rural areas will require a third of units to be affordable, this is irrespective of the availability of other sites in the area. However all housing should have regard to PPS3 and PPS7. The TDBC Housing Land Availability as updated by Taunton Deane Housing Trajectory and Housing Land Supply Statement December 2009, summary states inter alia "*The deliverable housing land supply for the Rest of the Borough is 5.53 years*" (ie outside Taunton) and.. "*Projections suggest that over the next five years, sufficient land has been identified to enable the Council to comfortably meet the Revised RSS Requirements*". Therefore it is considered that there is no overarching need to provide these 10 units in order to help meet housing unit figures in the borough.

Having regard to the strategic policies, the RPG Note 10, Policy SS 19 states.... *that Market Towns should be the focal points for development...outside market towns, development should be small scale and take place primarily within or adjacent to existing settlements, avoiding scattered forms of development.* The draft Regional Spatial Strategy states, inter alia, that "*Where viable, Local Planning Authorities should consider allocating and releasing sites solely for affordable housing, including using a Rural Exception Site Policy. It is important that all development taking place in small towns and villages support their roles as local hubs for community facilities and services, including public transport. Development in open countryside, particularly of housing, will be strictly controlled in accordance with national planning policies*". The site does not fall within a market town, or adjacent to an existing settlement, and thus does not comply with these policy areas which could allow for development on this site.

Two recent appeal decisions have reinforced this Local Planning Authority's decisions to oppose housing development in the open countryside; these were Land opposite the Village Hall at Nynehead (a scheme for 20 affordable dwellings) and a single dwelling at Furlongs in Shoreditch.

In conclusion, the site is outside settlement limits; the road to the nearest facilities is narrow with restricted visibility and unlikely to be walked along by the new residents and so whilst the dwellings themselves may have designed in a sustainable manner, the overall development is considered unsustainable in terms of PPS3, Policies STR1 and STR6; whilst part of the site is brownfield, this does not override the general sustainability policies and it is not considered to be an appropriate location for a housing scheme, and finally the scheme is dominated by highways and parking

areas resulting in a poor form of development which is considered to be alien to the rural character.

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 Planning Policy Guidance Note 13, Planning Policy Statement No 3 Regional Planning Policy Guidance Note 13, and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan.
- 2 The buildings the subject of the proposed development are considered to be 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 Planning Policy Statement Nos 3 and 7, 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 layout is considered to be unacceptable in terms of design, in particular in terms of extent of hard surfacing, road layout and siting of dwellings is uncharacteristic of the area and is of poor quality, contrary to PPS1 (paras 17 and 35) and Policy S2 of Taunton Deane Local Plan.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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