

OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE ERECTION OF A DWELLING IN THE GARDEN OF DENE VIEW, WEST ROAD, WIVELISCOMBE

Grid Reference: 307353.127589

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The site is located in open countryside outside of the defined settlement boundary of Wiveliscombe. As such the development would increase the reliance of the private motorcar and foster a growth in the need to travel. There is no lit pedestrian footway or cycle access from the site and as such the proposal would fail to provide safe access for all highway users. The proposal is therefore contrary to Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1, STR6 and Policy 49 and Taunton Deane Core Strategy Policies SP1, CP4, CP6, DM1 and DM2 together with guidance contained within the National Planning Policy Framework.
- 2 The proposed siting of the dwelling located outside of the defined built up area of Wiveliscombe would be detrimental to the rural character and appearance of the landscape. Moreover, the dwelling, garaging, and access would detract from the setting and approach route into Wiveliscombe. The application site is sited in an area that is open in character with attractive elevated public views across to the site. By intruding into this open and rural setting, the proposal would have a detrimental effect on the form and appearance of the settlement. The proposal is therefore contrary to Policies STR1 and STR6 of the Somerset and Exmoor National Park Structure Plan and Taunton Deane Core Strategy Policies DM1, DM2 and CP8 together with guidance set out within the National Planning Policy Framework.
- 3 The proposed scheme seeks a new access onto a County Route to serve a residential development sited outside of the defined settlement boundary. The Local Planning Authority considers that no overriding special need or benefit has been demonstrated to derive access from a County Route. The proposal would therefore be contrary to Policy 49 of Somerset and Exmoor National Park Joint Structure Plan Review.
- 4 The proposals fail to demonstrate that the necessary visibility splays required in order to provide a safe access point onto the B3227 can be achieved. The proposals are therefore contrary to the requirements of Policy 49 of the Structure Plan and Policies DM1 and CP6 of the Taunton Deane Core Strategy.

RECOMMENDED CONDITION(S) (if applicable)

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

PROPOSAL

The application seeks outline planning permission, with all matters reserved, for the erection of a detached dwelling house within the garden of Dene View, Wiveliscombe. The proposals are for a four or five bedroom dwelling together with associated double garage and store. The dwelling would be accessed off West Road via an existing field access gate, which will lead onto a private drive and hardstanding. This access is to be linked to that currently serving Dene View to permit existing residents to exit their site without need of using a mirror positioned opposite the access serving the existing property.

SITE DESCRIPTION AND HISTORY

The site comprises a one acre section of grassed garden land to the South of West Road and Southwest of the applicants dwelling, known as Dene View. The site lies approximately 280m to the west of the settlement boundary of Wiveliscombe. The revised Conservation Area boundary is 150m to the east. The land drops steeply from the highway (West Road) towards the application site, which is rural in appearance. The site, which contains a small pond and underground reservoir, is bound by mature hedgerow and trees to the North, West and South.

Planning permission has been refused previously at the site for the erection of a detached dwelling and garage within the grounds of Dene View, LPA reference 49/10/0037. The application was refused on ground of planning policy and the principle of the development and sustainability, landscape impact, visibility and highway safety. A subsequent planning appeal was dismissed.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - Recommends the application be refused.

The site is situated on the south side of the B3227 on the western boundary of Wiveliscombe on an area of land that forms part of the garden of the property known as Dene View. The proposed site is a relatively short distance from the centre of Wiveliscombe, and is accessed off of the B3277 which is a classified County Route and has a speed limit of 40mph.

A previous outline application 49/10/0037 was submitted on 7th August 2010 and was refused on 19th October 2010. Subsequently the application went to appeal with the Planning Inspectorate on 9th June 2011 and the appeal was dismissed and the refusal upheld.

This new application is for a proposed development for a 4/5 bedroom dwelling with a double garage/store room to be constructed in the grounds of Dene View. The new application provides an alternative location for the proposed dwelling within the grounds of Dene View with amendments to the field gate access.

It has been identified previously that the site lies outside of the defined settlement boundary of Wiveliscombe. Policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review makes clear that development outside towns, rural centres and villages should be strictly controlled, and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster the need to travel. No evidence has been submitted to show that there is a special need for the proposed development either for agricultural or forestry purposes or to support the vitality and viability of the rural economy in a way which cannot be sited within the defined settlement limits of a settlement. This new application does not seem to have addressed this issue in that the location has not changed.

The section of road where the site is located is unlit and has steep hedge banks on either side, with no footways. The road is also relatively enclosed and dark due to the presence of overhanging trees. The applicant has indicated in the Transport Statement that there may be a possibility of enhancing the footpath which currently lies to the north of the B3277 with the permission of local landowners, but no evidence has as yet been provided to this effect. There is also mention of the possibility of a virtual footway being installed and funded by the applicant but given the geometry, gradient and classification of the road and the lack of street lighting would not appear to be a safe solution for pedestrians, but again I have not seen any evidence of a Road Safety Audit to make an informed decision on this proposition.

On the previous application it was also identified that the required visibility could not be achieved due to the alignment of the adjoining highway and the need for a visibility splay of 2.4m x 160m to the nearside carriageway edge to commensurate with traffic speeds of 40mph as set out in the DMRB (Design Manual for Roads and Bridges) and to achieve this it would need to be incorporated into land not in the applicants ownership/control. As the Highway Authority can not promote reductions in speed limits to facilitate individual development proposals it is essential that the required visibility is achieved. The applicant does not seem to have addressed the restricted lack of visibility for vehicles emerging onto the B3277 from the site.

In detail the drawing supplied to support the application shows the site entrance with the proposed retaining wall which is to be built up to provide a ramp to the access to achieve the required level. There are no sectional drawings or vehicle tracking drawings supplied to show the proposed levels so it is unclear if in fact a vehicle would be able to turn in to the site or exit the site with the required amount of manoeuvrability or dimensions to do so and further information would be required to validate this.

The design and access statement addresses the road layout and states that a link road will be formed from the current property Dene View to the new development to allow the residents of Dene View an alternative safe access. This is something which would need to be addressed by way of a legal covenant to be included into the Deeds of both properties to allow this link road to be utilised to prevent future disputes if the properties were to be sold and the Highway Authority would need to see a signed copy of this agreement before this can be progressed.

WIVELISCOMBE TOWN COUNCIL - Object to the proposals for the following reasons:

The site is located in the open countryside outside of the defined settlement boundary of Wiveliscombe. As such the development would increase the reliance of the private motorcar and foster a growth in the need to travel.

There is no lit pedestrian footway or cycle access from the site and as such the proposal would fail to provide safe access for all highway users.

The proposed siting of the dwelling is located outside of the defined built up area of Wiveliscombe and would detrimental to the rural character and appearance of the landscape. Moreover, the dwelling and access would detract from the setting and approach route into Wiveliscombe.

The application site is sited in an area that is open in character with attractive elevated public views. By intruding into this open and rural setting, the proposal would have a detrimental effect on the form and appearance of the settlement.

The proposed development seeks an access onto the B3227 to serve a residential development outside the defined settlement boundary the Town Council does not believe this can be achieved.

LANDSCAPE - The proposed development would be prominent within the local landscape on the edge of Wiveliscombe on the main route into the town from the West. In my assessment it would have an unacceptable landscape impact on the local landscape contrary to policy CP8.

WESSEX WATER - A new water supply will be required. Contact with Wessex Water required and details provided.

DRAINAGE ENGINEER - Flows from the development into watercourse should be attenuated by SUDS; condition required.

No details of foul drainage, Details of any consent to discharge should be forwarded for approval.

Representations

WARD COUNCILLORS - Cllrs Gaines and Ross would wish to speak on the application should it come to committee. If minded to refuse we would like to see it at committee as how it has been dealt with in the past, and the Town Council decision raises a number of issues for our area.

COUNTY COUNCILLOR - Cllr McMahon endorsing the application on grounds that it represents a tastefully designed residence in keeping with its almost alpine setting and containing all the best of energy efficient measures. The disputed access is an established one and has been there for many years.

1 letter of SUPPORT from member of the public raising the following matters:

Settlement boundary:

- Yes the site is outside the settlement boundary but only by 320 metres. It is within an existing property's curtilage rather than an entirely new site;
- The land is brownfield not agricultural, which is accepted as being suitable for development;
- Properties between the site and the Memorial ground all have accesses and fall outside the settlement boundary; perhaps the boundary should have been rounded off to include them in the last realignment when Nordens Meadow was accommodated;

Safety:

- Suggesting an increase in the use of private car is bizarre; people chose to walk, cycle or drive from all around Wiveliscombe;
- There are 11/12 households currently residing on this stretch of the B3227. This increases when holiday accommodation is occupied. These occupants walk, cycle or drive along the road as do visitors; increasing reliance and fostering growth in use of the motor car is a spurious ground for objection and should be ignored;
- Safety is ultimately the responsibility of the road user whether on foot or in a vehicle; awareness here has been increased by signage and a lower speed limit;
- A virtual footway could be provided; public safety should be considered in context of measures already in place;
- No accidents involving pedestrians have ever occurred on this stretch of the road; does the Council have information to the contrary?

Environmental impact:

- The dwelling is single storey, tucked down and into the slope and has an enviable low profile; no dwellings in the valley have sight of it; there is screening along the road and more has been pledged; the building will be less visible than existing dwellings;
- Natural resistance to change is not valid in planning legislation; it has been demonstrated how the new build will be screened and how its design and position makes the best of the lie of the land;
- Well designed properties can compliment and enhance an environment whether in larger residential areas or deeply rural areas;

Access:

- The access has not been stopped up and can be used whether for a dwelling or any other purpose;

4 letters of OBJECTION from local resident raising the following matters:

- There is already a residence so why need another, is it for profit?
- When we applied for a retirement home for mother and father we were told there was no need for another workman's home, what is the difference?
- The Parish Council vowed that consent would never go beyond the last house of Wiveliscombe this way;
- We see no need for this build and strongly object.
- No access to the former field has ever been possible due to the 2m+ drop from road level to field level;
- The removal of verge/hedgerow required to allow visibility splays will significantly and adversely impact upon views from my property;
- The prospect of allowing development which represents creep beyond the edge of Wiveliscombe town boundary would bring any and all adjoining fields eligible for future development; where would this stop?
- The size of the proposed building and associated separate garage will significantly change the appearance of the approach and hence the very nature of the town of Wiveliscombe;
- The aspect that my mother appreciated most was that this part of Wiveliscombe being adjacent to a grand old house, the countryside whereabouts had largely remained unchanged and the tranquility of the countryside was preserved;

1 letters of COMMENT from local residents raising the following matters:

- Note that some form of pedestrian footway should be considered on the B3227 from Abbotsfield/Dene View into Wiveliscombe

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP4 - TD CORE STRATEGY - HOUSING,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - TD CORE STRATEGY- ENVIRONMENT,
STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
NPPF - National Planning Policy Framework,
STR1 - Sustainable Development,

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)	£1079
Somerset County Council (Upper Tier Authority)	£270

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£6474
Somerset County Council (Upper Tier Authority)	£1619

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues requiring consideration in determining the proposed development are the whether the proposals comply with development plan policies, the impact of the proposal on the character and appearance of the landscape, whether the development would generate an unsustainable growth in the need to travel; and, the effect on highway safety and the free flow of traffic on West Road.

I am mindful of the previously refused planning application at Dene View for a development similar to that now proposed, in that a new access with detached dwelling and associated garage was proposed. This amended scheme has changed the location of the development site to the previous scheme. Notwithstanding, there has been little to no change locally since the previous application was refused and subsequent planning appeal dismissed.

Planning Policy and Sustainability

Policy STR6 of the Structure Plan makes it clear that development within the countryside, outside of existing settlements, will only be permitted where it would benefit the economy, maintain or enhance the environment and not foster the need to travel. Policy SP1 of the Core Strategy sets out sustainable development locations where new development, particularly residential, will be supported. This policy makes it clear that for sites outside of settlement limits, proposals will be treated as being within open countryside. Further to this matter, Core Strategy Policy CP4 makes it clear that housing should be delivered consistent with the settlement hierarchy established by Policy SP1. Policy DM2 of the Taunton Deane Core Strategy sets out the Council's approach to development proposals located outside settlement limits, essentially within open countryside. This is a positively worded Policy where acceptable uses and proposals are set out. New residential development within the open countryside will not be supported unless it meets an agricultural, forestry or other related need.

The application seeks to provide a new residential dwelling house with associated amenities on land West of Dene View. The site is located West of Wiveliscombe and outside of the defined settlement boundary for the town, which ends approximately 350 metres to the East. It is acknowledged that the site is surrounded by existing residential properties, and that geographically the site is not significantly distant from the centre of Wiveliscombe where a wide range of services and facilities can be found.

Notwithstanding its proximity to the town of Wiveliscombe, the nature of the adjoining highway, its lack of footway, cycle lane and lighting means that safe means of access to the town cannot be achieved. The previous Inspector noted that the pedestrian route is substandard and that such would result in occupiers of the proposed development would be more likely to utilise a private vehicle for the vast majority of trips. Reducing the need to travel is a key criteria of planning policy aimed at producing sustainable forms of development. On this basis, the proposals would not be sustainable in transport and accessibility terms..

It is clear that the development plan will not allow for new residential development within the open countryside unless there are exceptional circumstances so as to allow a variation from the plan. In this respect, the dwelling would not serve an agricultural, forestry or related need and whilst buildings of truly outstanding design, that are a one off example can be permitted as an exception, based upon the limited information and justification provided, including the indicative photo montage's, this development is unlikely to satisfy such a criteria

Having regard to these matters, the proposed development is considered to conflict with Policies SP1, CP4 and DM2 of the Core Strategy, STR6 and guidance contained within the National Planning Policy Framework.

Character and appearance

The site is prominent within the immediate vicinity of West Road, being located on land set below the level of the adjoining highway. Supporters of the scheme contest that the proposed development would blend in well with the site and its surroundings and that landscaping proposed would screen the development further than the existing hedgerow and trees that surround the site.

Despite being positioned within the curtilage of Dene View and when seen from the West the proposed dwelling would be seen in conjunction with the existing dwelling house. However, there are no existing buildings on the site, which is laid to grass and relates well, in visual terms, to the open aspect of the adjoining agricultural land. Due to the degree of trees and planting within the immediate vicinity, only Dene View and Abbotsfield Lodge can be seen when approaching the site from the West. Despite being set on lower land, hedgerow planting and potentially being cut into the site, any new building here would remain visible from public vantage points along the highway; such would constitute a harmful intrusion into the landscape and its rural character and appearance.

I accept that on occasion, exceptionally well designed buildings can integrate successfully into a landscape. However, I do not consider a dwelling of a design and scale such as that indicated on the photo montage to be 'exceptional' in design. In contrast, such a design is not suited to an open rural landscape such as that in which the development site is located.

I do not consider the latest proposals to maintain or enhance the character or appearance of the landscape and site surroundings. The proposals therefore fail to comply with Policies CP8, and DM1 of the Core Strategy. There does not appear to me to have been any significant change in this stance following the previous refusal and the appeal decision which also considered a dwelling in open countryside here to harm the character and appearance of the landscape.

Access and highway safety

The Highway Authority have noted a number of issues with the submission and have advised that permission should be refused if these cannot be overcome. At the outline stage it is pertinent to establish the principle of development and in this regard, being mindful of the previous refusal and appeal that was dismissed, whether a safe means of access can be achieved is to be considered.

The site will be accessed via a field access gate, leading to a new drive and turning/parking area. It will be shared, in part, with Dene View, the occupants of which will be able to use the access should they wish. There is some debate as to whether the proposed access is existing or new. Previously the Inspector found it to be a new access, stating that *Whilst "the entrance may have been used in the past for occasional access by farm vehicles, it cannot have been used on a regular basis by smaller vehicles. Notwithstanding the presence of the gate therefore, or its past history, to all intents and purposes, I consider the access to be new."* From my site visit, the access did not appear to be in use currently, nor had it been used recently. There remained a distinct lack of evidence in terms of vehicle tracks that movement over the verge and into/out of the site had occurred. Therefore, I am of the opinion that the access should be treated as a new one, and not an alteration to existing.

Access is a reserved matter and details of visibility splays are not provided. Access here was previously found to be substandard and unsafe for use by the appeal inspector. Technically access could be proposed as a reserved matter anywhere along the red edged site boundary of the submitted block and site plan. Notwithstanding, I consider the boundary of the site with West Road (B3227) to be incapable of providing a safe means of vehicular access at any point along its length.

The B3227 is a County route, and the formation of new accesses on such a designated highway requires special justification in order to be viewed favourably. The submission makes no reference to any special justification. It errs towards allowing the new access to be utilised by occupants of Dene View, whose current access is blind and requires the use of a highway mirror opposite. Whilst such may provide a small improvement to the safety of road users of Dene View, the access is still likely to be substandard and therefore any weight attributed to this element of the scheme is not considered to carry sufficient weight as to outweigh the overall harm of forming a new substandard access onto a county route without special justification.

Other matters

The applicant and a supporter of the scheme contest the line of the defined settlement limit, however the Council has previously considered the site at Dene View for housing through the Strategic Housing Land Availability Assessment. This found the site to be unsuitable and I see no reason as to differ from this finding, particularly given the lack of safe access for both pedestrians and motorists.

The New Homes Bonus payments are noted however these financial considerations are not considered to outweigh the principle issues highlighted above.

Conclusion

The site is located within open countryside where there is a strong policy objection to the provision of new housing where there is no overriding justification. The building will constitute a harmful intrusion into the surrounding landscape which will be at odds with the rural surroundings. Highway safety will be undermined by the proposals, which will generate a need to travel by private car virtue of there being no safe pedestrian footway linking the site with the town.

Having regard to the above matters, and being mindful of the previous refusal and planning appeal that was subsequently dismissed, it is recommended that planning permission be refused.

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

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