

APPEALS RECEIVED – 28 February 2018

Site: SEAFIELD, WEST BUCKLAND, WELLINGTON, SOMERSET, TA21 9LW

Proposal: Prior approval for proposed change of use from agricultural building to dwelling house (Class C3) and associated building operations at Seafield, West Buckland

Application number: 30/17/0024CQ

Appeal reference: APP/D3315/W/17/3186810

Start Date: 25 January 2018

Site: BARNOAKS, WORTHY LANE, CREECH ST MICHAEL, TAUNTON, TA3 5EF

Proposal: Demolition of garage and erection of 1 No. bungalow with associated works in the garden to the rear of Barnoaks, Worthy Lane, Creech St Michael

Application number: 14/16/0052

Reasons for refusal: The site lies in an open countryside location, where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves an appropriate need, such as the need for affordable homes. Whilst the site adjoins the settlement limit, it is not considered that there are no other suitable sites within the rural centre itself, or that the need cannot be met by the affordable homes currently under construction within the village, or other affordable dwellings soon to be constructed in the adjacent Parish. The scheme therefore represents an unjustified dwelling outside of settlement limits that would set an undesirable precedent for future development. As such, the proposal is contrary to Policy DM2 (Development in the Countryside) and its associated sequential criteria, of the adopted Core Strategy 2011-2028. It is also contrary to policy SB1 (Settlement Boundaries) of the adopted Site Allocations and Development Management Plan 2016.

There is an under provision of parking at the site and no cycle/motorcycle provision indicated. Therefore the proposal is contrary to advice in the Somerset County Council Parking Strategy (adopted in Sept 2013), policy DM1 of the Taunton Deane Borough Council Core Strategy 2011-2028 and policy A1 (parking) of the adopted Site Allocations and Development Management Plan 2016.

Insufficient information has been submitted to enable the Local Planning Authority to determine whether or not the site is at risk of flooding or would be at increased risk of flooding as a result of this proposal. The proposal has not been submitted with a flood risk assessment and this site is situated close to areas of high flood risk (Flood zone area 3). Therefore, in accordance with the National Planning Policy Framework (section 10) and policies CP1(f) and CP8 of the Taunton Deane Core Strategy, the Local Planning Authority is unable to assess whether the impacts of this proposed new dwelling are acceptable in this regard.

Appeal Decision: Dismissed.



Appeal Decision

Site visit made on 23 January 2018

by **Andrew Dawe BSc(Hons) MSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 February 2018

Appeal Ref: APP/D3315/W/17/3187285

Barnoaks, Worthy Lane, Creech St Michael, Taunton TA3 5EF

<https://www.gov.uk/planning-inspectorate>

- 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 Emma Holland against the decision of Taunton Deane Borough Council.
 - The application Ref 14/16/0052, dated 16 December 2016, was refused by notice dated 10 April 2017.
 - The development proposed is demolition of existing garage and the erection of a single chalet bungalow.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The second and third reasons for refusal in the Council's decision notice relate to under provision of parking at the site and no cycle/motorcycle provision indicated; and insufficient information to determine whether or not the site is at risk of flooding or would be at increased risk of flooding as a result of the proposal. Since the Council issued its decision, I note from the submissions that the Council corresponded with the appellant on 5 September 2017 on these matters, in light of further information provided.
3. In that correspondence, I note that the Officer concerned provided his view that adequate parking could be achieved with an amended site layout and that, were the additional information submitted with an appeal, he would confirm that. Whilst I have not received such a layout, it is evident that the Council is satisfied that sufficient space for parking could be achieved. Based on my observations, I have no substantive reason to consider otherwise or that it would necessitate significant and material changes to the overall scheme. In respect of flooding, I note that the same Officer acknowledged that in light of the additional information, subject to the imposition of a condition to secure details and implementation of a surface water drainage scheme, this, in his view, would overcome the third reason for refusal. I have no substantive basis to consider otherwise, also noting that the site is not within a flood risk zone.
4. For the above reasons I have not considered those issues concerning the Council's second and third reasons for refusal as main issues.
5. The Council refers to appeal Ref APP/D3315/W/15/3138360 concerning a proposed dwelling on land adjoining North End Farm outside of the settlement

boundary that was dismissed. However, I do not have the full details of that case in order to make a full and proper comparison.

Main Issue

6. The main issue is whether or not the proposal would be in a suitable location for a dwelling, having regard to the principles of sustainable development.

Reasons

7. Policy SB1 of the Taunton Deane Adopted Site Allocations and Development Management Plan (the SADMP) sets out that in order to maintain the quality of the rural environment and ensure a sustainable approach to development, proposals outside of the boundaries of settlements will be treated as being within open countryside. In relation to that, Policy DM2 of the Adopted Taunton Deane Core Strategy (the Core Strategy) sets out those forms of development that would be considered appropriate outside of defined settlement limits. None of those listed relate to the proposed development. The supporting text to policy DM2 explains that the restrictions are in place to protect and enhance the quality of local landscapes whilst promoting sustainable patterns of development and allowing for economic growth and diversification.
8. I have also had regard to bullet point 11 of paragraph 17 of the National Planning Policy Framework (the Framework) which states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
9. The proposed dwelling would be located outside of the settlement boundary, albeit not isolated from other dwellings. It would be within walking distance of the main part of the village, where there are some local services and facilities, including a mini supermarket, post office, vets, public house and schools. However, that would be via an initially unlit section of the lane and then along a section of road without footways. That would be likely to make walking into that main part of the village generally unattractive.
10. Furthermore, the larger centres, including Taunton, where the majority of other facilities and services to serve the full range of everyday needs for prospective residents, including the full range of shops and leisure and health facilities along with more employment destinations, are at a substantially greater distance away.
11. The appellant draws attention to the nearby cycle route along the Taunton to Bridgwater canal. However, it is likely that the distance involved to reach Taunton would discourage this from being a regular form of transport for most purposes throughout the year, including dark early evenings in the winter and in all weather conditions.
12. The appellant also refers to a bus service that stops at the end of Worthy Lane. However, I have no details as to its precise location and I saw no evidence of any physical demarcation of such a bus stop. Nevertheless, even if it were to stop at that point I have received no details as to how long it would take to reach the larger centres referred to above. Furthermore, although it is stated that there are four services a day on weekdays, that level of frequency would be unlikely to provide a high degree of flexibility in terms of times of travel.

13. It is therefore likely that prospective residents would be heavily reliant on private motorised transport as opposed to more sustainable walking, cycling or use of public transport for trips to serve their everyday needs and employment destinations. The proposed dwelling would therefore not be in a sustainable location in this respect.
14. I have also had regard to the effect of the proposal on the quality of the local landscape. In this respect, the proposed dwelling would be confined within the existing rear garden of Barnoaks and with a rear elevation approximately aligned with those of properties a short distance to the east set well back from Worthy Lane with only its proposed main garden area and that of the dwelling known as 'Alicar' in between. The rear boundaries of that row of properties form a distinct demarcation between the residential properties and open fields to the north.
15. In any limited views of the site from the road to the west of the site including over intervening hedgerows, subject to the maintained height, the proposal would be seen in that context. Furthermore, although its design would not match any of those existing dwellings, there is not a consistent existing design. Its massing would also be minimised with the first floor partly within the roof. Although it would be higher than Barnoaks, it would therefore also not appear discordant with the general built form of neighbouring dwellings seen as a group. Sight of the proposal from Worthy Lane would be restricted by intervening dwellings or, on the approach from the west, by a high field boundary hedge alongside the lane. Even if glimpsed through that hedge, it would be clearly seen as being within the confines of what is currently the rear garden of Barnoaks.
16. Therefore, despite its location outside of the settlement boundary, it would be unlikely to cause material harm to the character and appearance of the rural environment and as such would protect the local landscape. However, this does not deflect from my finding that it would not be a sustainable location in respect of access to services and facilities to serve everyday needs and employment destinations.
17. The appellant refers to the field opposite the site and along the lane to the east being earmarked for residential development in future planning development documents produced by the Council, in terms of the effect that it would have on the locality and probable adoption of a further part of Worthy Lane. However, I have received no substantive documentary evidence relating to any such potential development or the likelihood of it coming forward in the future. I have therefore afforded little weight to this factor.
18. The appellant also refers to another appeal decision, Ref APP/D3315/A/14/222815C3, in respect of a proposal outside of the settlement boundary in close proximity to existing dwellings that was deemed not to adversely affect the surrounding areas or communities. However, I have received no details of that case to enable me to compare circumstances, and I have determined this appeal on its own merits.
19. For the above reasons, the proposal would not be in a suitable location for a dwelling, having regard to the principles of sustainable development. As such, it would be contrary to policy SB1 of the SADMP and policy DM2 of the Core Strategy as well as paragraph 17, bullet point 11 of the Framework.

Conclusion

20. The Framework sets out that there should be a presumption in favour of sustainable development and indicates that to achieve that, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
21. The proposal would have the benefit of contributing to the local supply of housing. However, such benefit would be small, relating only to a single dwelling and insufficient to outweigh my finding that it would not be in a suitable location for a dwelling, having regard to the principles of sustainable development. It would therefore not be a sustainable form of development.
22. Therefore, for the above reasons, and having taken account of all other matters raised, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR