

42/17/0005

MR & MRS N FRY

Erection of 1 No. detached dwelling with associated works on land to the east of Wild Oak Lane, Trull

Location: LAND TO THE EAST OF WILD OAK LANE, TRULL

Grid Reference: 321714.122611

Full Planning Permission

Recommendation

Recommended decision: Refusal

- 1 The proposed development is located outside the defined settlement boundary, within the Vivary Green Wedge and within the Local Green Space. No very special circumstances have been demonstrated to outweigh the potential harm and as such the development would be contrary to the NPPF and to adopted local plan policies DM1d, DM2 and CP8 of the Taunton Deane Core Strategy and policy E1 of the emerging Trull Neighbourhood Plan.

Recommended Conditions (if applicable)

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions 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 proposes the erection of a two storey detached dwelling with attached triple garage. A new vehicular access is proposed from Wild Oak Lane. The proposed dwelling is contemporary in style comprising a curved construction using a mix of materials, primarily render and natural stone for the walls with slate and thatch for the pitched roof. The application would involve the translocation of a section of the boundary hedge along the roadside boundary and the construction of a vehicle passing place.

The application is accompanied by an Ecological Assessment, Planning Statement, Highway Safety and Access Report, Landscape and Visual Impact Assessment and Design and Access Statement

Site Description

The site is located in an agricultural field which has a frontage of approximately 85m to Wild Oak Lane. Detached dwellings, Withywood and Sunningdale, are located to the north and south. Detached individual properties are located on the western side of Wild Oak Lane.

The site lies outside the settlement boundary for Taunton, within the designated Green Wedge and within the draft Neighbourhood Plan Local Green Space.

Relevant Planning History

42/15/0010 - Outline application for the erection of two dwellings, access and landscaping - Withdrawn

Consultation Responses

TRULL PARISH COUNCIL - Object to the application. The proposed dwelling is in the designated Vivary Green Wedge and is outside the settlement limits. It contravenes policies DM1, DM2 and CP8 of the Taunton Deane Councils Core Strategy. It is also against the Local Green Space policy in the emerging Trull and Staplehay Neighbourhood Plan.

SCC - TRANSPORT DEVELOPMENT GROUP - No comments received

BIODIVERSITY - The site comprises an area of grassland which is enclosed by a mixture of species rich hedgerows, fences (enclosed in brambles) and a row of leylandii conifers. A single horsechestnut tree was present in the NW corner of the site. The site is located within the Vivary and Cotlake Hill green wedge. Western Ecology carried out a Preliminary Ecological appraisal report of the site dated September 2016.

Findings of the report are as follows:

Bats

Grassland is likely to have potential for foraging bats whilst boundary features may be used for foraging and commuting bats. Any outside lighting should be carefully designed.

Birds

The vegetation on site provides suitable nesting habitat for breeding birds. Clearance of any vegetation must take place outside the bird nesting season.

Dormice

No evidence of dormice was recorded during the survey undertaken by WYG in 2014 although this does not rule out their presence. As dormice are known to be

present east and west of Trull Road, I would not class the site as having negligible value but would take a precautionary approach when clearing vegetation on site.

Badgers

There was no evidence of badgers on site.

Reptiles

The site has low potential for reptiles.

WESSEX WATER – Comment as follows:

Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

Building Near to a Public Sewer

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water. Please contact our sewer Protection team to discuss further 01225 526333.

Separate Sewer Systems

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

An extract from records showing the approximate location of apparatus within the vicinity of the site submitted with response.

Representations Received

To date, 36 representations have been received.

19 submissions are in **support** of the application making some or all of the following comments:

- The dwelling is well-designed, complementing existing individually designed properties
- Development would be barely visible from the stream and footpath beyond the site
- If allowed, this would block further development to the rear, protecting the countryside
- Ample off-street parking and turning facilities provided within the site

- Formal passing place along the site frontage would improve highway safety, especially for cyclists and pedestrians
- Development would have a negligible impact on the Green Wedge, mitigated further by proposed planting
- The proposed building would not intrude on views
- Design uses natural materials
- Development retains existing trees and hedgerows

The remaining 17 submissions **object** to the proposal on some or all of the following grounds:

- Inappropriate location and impact on the Vivary Green Wedge
- Such a development would set an undesirable precedent and encourage further development in such locations
- Contrary to policy
- Agricultural land should be protected
- Loss of the rural feel of the locality
- Would close the gap between Taunton and Trull
- Increased traffic resulting in additional hazards for cyclists and pedestrians
- Essential to protect the identity of Trull
- Development would harm residential amenity through overlooking, visual dominance and loss of privacy
- Green spaces should be protected
- Proposal would lead to ribbon development
- The land is not allocated for housing in the Plan
- Wild Oak Lane does not have streetlights or footpaths
- Would add to additional traffic issues for vehicles entering and leaving the lane
- Flood risk
- Provides a pedestrian access from town to the Blackdown Hills
- Visual impact especially in winter
- Inappropriate design

Trull Neighbourhood Plan Group

Object to the proposal on the ground the proposal would be contrary to the draft Plan, which identifies the area including the application site as Local Green Space. The Examiner of the Plan agreed that the area satisfied the criteria and therefore forms part of the Plan.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

DM1 - General requirements,
DM2 - Development in the countryside,
SD1 - Presumption in favour of sustainable development,
CP8 - Environment,
A1 - Parking requirements,
A5 - Accessibility of development,
D7 - Design quality,
D8 - Safety,
D10 - Dwelling sizes,
D12 - Amenity space,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Creation of dwelling is CIL liable.

Proposed dwelling measures approx. 540 square metres.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £67,500.00. With index linking this increases to approximately £82,000.00.

New Homes Bonus

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

1 Year Payment

Taunton Deane Borough	£1079
Somerset County Council	£270

6 Year Payment

Taunton Deane Borough	£6474
Somerset County Council	£1619

Determining issues and considerations

The site lies outside of any settlement limits and is therefore regarded as development in the countryside. Policy DM2 of the Core Strategy sets out the uses which would be supported. The erection of new dwellings is not one such use.

National Planning Policy Framework (NPPF)

The NPPF sets out a requirement to achieve sustainable development and the

paragraphs contained in the Framework make up the Governments view of what is sustainable development.

Paragraph 11 of the NPPF clearly states that 'planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. In this respect the proposed development is clearly in conflict with up-to-date development plan policies and an assessment will need to be made as to whether there are material considerations to outweigh the inappropriateness

Paragraph 76 of the NPPF states 'local communities through local and neighbourhood plans should be able to identify for special protection green area of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances'.

Site Allocations and Development Management Plan 2016 (SADMP)

The site is designated as Green Wedge in the SADMP where there are a number of key policy objectives with which to comply. The open spaces between dwellings are considered fundamental to ensure that important views into the countryside are retained. Any development within the Green Wedge will have an impact upon this, exacerbated further by the cumulative impact of schemes that may have initially appeared individually insignificant. In this instance the openness of the site enables clear views of Cotlake Hill which would be interrupted by even small scale residential development on this field.

Trull Neighbourhood Plan to 2028 (draft)

The Trull Neighbourhood Plan included Trull Meadow, which includes the application site, as meeting the criteria for a Local Green Space and was included in the recommendations. The recommendations from the Examiners report have been endorsed by Council and the Plan will proceed to a Referendum on 8 June 2017. It does not form part of the development plan but is a material consideration in respect of the proposal. The plan proposes the inclusion of the site as part of the Local Green Space known as Trull Meadow. The proposal therefore conflicts with the draft Neighbourhood Plan policy E1.

The Local Green Space designation is identified in the NPPF as a discretionary designation to be made by inclusion within a local development plan or neighbourhood development plan. The designation should only be used where the land is not extensive, is local in character and reasonably close to the community; and, where it is demonstrably special, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife.

Designating a green area as Local Green Space would give it protection consistent with that in respect of Green Belt (*Planning practice guidance, Local Green Space designation. March 2014*).

Paragraphs 79 to 92 of the NPPF sets out the policy for protecting Green Belts.

Paragraph 79 states:

'The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.'

Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances (*para 87 NPPF*). A local planning authority should regard the construction of new buildings as inappropriate in Green Belt (*para 89 NPPF*). Paragraph 89 sets out the exceptions however the proposed development does not fall within the exceptions.

Given the advanced stage of the Neighbourhood Plan it is considered that the inclusion of the land as Local Green Space is a material consideration. Policy E1 Local Green Space states development is ruled out, other than in very special circumstances. The policy is consistent with the NPPF policies relating to development within the green belt and the proposed development does not comply with the policy. The potential harm is not outweighed by other considerations.

Other material considerations

The applicants, in their Planning Statement, refers to a number of issues as 'material considerations' including settlement boundaries, green wedge and local green spaces. These issues have recently been robustly considered through the plan making process, both the Core Strategy/SADMP and the draft Neighbourhood Plan.

The applicant refers to the need for Council to create a register of those interested in Self Build and Custom House building projects. The Council has such a register and acknowledges that the applicants were added to the register in 2016. Whilst the demand should inform the plan-making function, at present the Council does not have any planning policies on, or land allocated for, self or custom build, nor is it currently selling land in its ownership or providing plots for such projects. Interested parties are advised of the SADMP policies and that they should seek advice from Development Management (DM) to gauge the likelihood of housing being granted planning permission before they purchase land. The adopted policies contained in the SADMP are therefore the relevant policies. The Self and Custom House Building Act 2015 is not a material consideration to outweigh the policies contained in the adopted and emerging development plans.

Design

It is considered that the design of the proposed dwelling, whilst of a contemporary style, has a number of traditional elements. The proposed floor area is 478m². It is considered that the design and scale of the proposed dwelling is in keeping with the size of the site and with the nearby properties.

Conclusion

The site lies outside the settlement boundary, within the Vivary Green Wedge and allocated as Local Green Space in the draft Neighbourhood Plan. The proposal is

contrary to paragraphs 11 and 76 of the NPPF and is therefore considered to be unsustainable. There are no special circumstances to outweigh the potential harm of the inappropriate development. The proposal is contrary to the adopted and emerging policies in terms of the principle of the development in such a location.

For the reasons outlined above, refusal is recommended.

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

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