Site: CUTLIFFE FARM, SHERFORD ROAD, TAUNTON, TA1 3RQ

Proposal: Change of use of land from siting of agricultural workers accommodation to siting of holiday accommodation on land to the north of Cutliffe Farm, Sherford.

Application number: 38/16/0227

Reasons for refusal: The proposal would be contrary to Policy DM2 of the Taunton Deane Core Strategy in that this is not a form of holiday accommodation permitted outside settlement limits. The proposal would be contrary to Policy CP8 in that it would fail to maintain the green wedge: It would conflict with the key policy objectives of the green wedge, set out in the Taunton Deane Core Strategy. Insufficient information has been submitted with regard to the economic benefits to demonstrate that this would outweigh the harms that have been identified.

Insufficient information has been submitted to satisfy the Local Planning Authority that the proposal would be served by appropriate utilities, including foul drainage facilities.

Appeal Decision: Dismissed.

Site: BEECHWOOD, HIGH STREET, MILVERTON, TAUNTON, TA4 1LL

Proposal: Application for Outline Planning Permission with all matters reserved for 5 No. dwellings on land to the rear of Beechwood, High Street, Milverton

Application number: 23/16/0038

Reasons for refusal:

The proposed development lies outside the defined settlement limit of Milverton, within the open countryside. Residential development on this site is considered unacceptable in principle. The proposal would be contrary to Taunton Deane Core Strategy Policies SP1 and CP8 (2012); and Taunton Deane Site and Allocations Development Management Plan Policy SB1 (2016) which seeks to prevent residential development outside of settlement boundaries.

The proposed development would adversely affect the open character of this part of the Milverton Conservation Area, a designated heritage asset. It will result in the partial demolition of a stone boundary wall which contributes to the character of the designated heritage asset. It will also cause substantial harm to the setting of the listed St Michael's Church.The proposal therefore conflicts with Paragraph 133 of the National Planning Policy Framework. It also conflicts with Taunton Deane Core Strategy Policies CP8 and DM1 and the objectives of the Milverton Conservation Area Appraisal Document 2007.

The proposal fails to demonstrate that it will not adversely impact on potential archaeological interests. The application therefore conflicts with the requirements of Taunton Deane Core Strategy Policy CP8 (2012); Taunton Deane Site Allocations and Development Management Plan Policy ENV4 (2016) and Paragraph 128 of the National Planning Policy Framework.

Insufficient information has been submitted to demonstrate that the proposed access onto the High Street will have adequate visibility. Accordingly, the proposal conflicts with Taunton

Deane Core Strategy Policy DM1 (2012) and Taunton Deane Site Allocations and Development Management Plan Policy D9 (2016).

Appeal Decision: Dismissed.

Proposal: LAND TO REAR OF 51 TONE HILL WELLINGTON TA21 0AX

Application number: 43/17/0037

Reasons for refusal: The proposed development would result in the loss of part of a designated recreational open space. It would also prejudice the integrity and openness of the existing allotment gardens in conflict with Policy C3 of the Taunton Deane Site Allocations and Development Management Policies Plan adopted December 2016.

Appeal Decision: Dismissed.

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

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

Application number: 42/17/0005

Reasons for refusal: 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.

Appeal Decision: Dismissed

Site: THE OLD KITCHEN, STAWLEY WOOD FARM, STAWLEY ROAD, STAWLEY, WELLINGTON, TA21 0HP

Proposal: Application for a Lawful Development Certificate for the proposed change of use of an agricultural barn to a dwelling house (Class C3) at The Old Barn, Stawley Wood Farm, Stawley

Application number: 35/17/0002

Reasons for refusal: The proposed change of use of an agricultural barn to a dwellinghouse (class C3) is not permitted development under schedule 1, part 3 (changes of use), Class Q of the Town and Country Planning (General Permitted Development) England Order 2015, because it is evident that the building was not used solely within agriculture as required and has been used for both agricultural, equestrian and for the storage of domestic/personal goods. As the proposal is not permitted development, such a change of

use would require the benefit of a planning permission. Without such authorisation, the proposal is unlawful and therefore the Lawful development Certificate cannot be issued.

Appeal Decision: Dismissed

Proposal: HARTNELLS FARM, MONKTON HEATHFIELD ROAD, MONKTON HEATHFIELD, TAUNTON, TA2 8NU

Application number: 48/16/0033

Reasons for refusal: The removal of condition 12 would result in a severe impact on the existing highway network which is considered to be contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policies CP6 and SS1 of the Taunton Deane Borough Council Adopted Core Strategy 2011-2028.

Appeal Decision: Allowed

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: 13 February 2018

Appeal Ref: APP/D3315/W/17/3185045
Land to the North of Cutliffe Farm, Sherford, Taunton, Somerset TA1 3RQ

- 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 Kibbear Farm Holidays against the decision of Taunton Deane Borough Council.
- The application Ref 38/16/0227, dated 26 June 2016, was refused by notice dated 20 July 2017.
- The development proposed is change of use of land from agricultural workers accommodation to holiday accommodation.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Kibbear Farm Holidays against Taunton

Deane Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are whether or not the proposal would:

   i) be in a suitable location for holiday accommodation of the form proposed, having regard to the principles of sustainable development, including in relation to maintaining the Vivary Green Wedge (the Green Wedge);

   ii) make adequate provision for utility services, including foul drainage facilities.

Reasons

Suitability of location

4. I saw that there were a number of mobile home units on the site, some of which, but not all, were similarly positioned to those shown on the submitted plans. I note that units have in the past been, and potentially are still to some extent, used for accommodating seasonal agricultural workers. The extent to which this remains the case is unclear from the evidence before me. However, the Council highlights that such a use has been conducted on the site as permitted development on the basis that the units should be removed when

not required for seasonally accommodating farm workers. The extent to which, if at all, the existing units are therefore authorised is unclear from the submitted evidence. However, the authorised provision would result in only temporary siting of the units when needed which in turn would minimise the extent of ongoing encroachment of development into the Green Wedge.

5. The proposed accommodation may be moveable but it is clear from the submissions that it would be permanently sited as opposed to making provision for touring caravans. Furthermore, although there are existing mobile homes on the site, they are not authorised as permanent existing buildings. This is also emphasised by the appellant's submissions indicating that the units used for agricultural workers would be replaced by other units for the proposed tourist accommodation. The proposed accommodation would therefore not fulfil the criteria of accommodation that would be supported by policy DM2 of the Adopted Taunton Deane Core Strategy (the Core Strategy).

6. The permanent provision of mobile homes would in turn cause a permanent encroachment of development into the Green Wedge and a material resultant deterioration of the distinctive open character that it provides in maintaining a break between neighbouring settlements and preventing their coalescence. This would be regardless of whether or not it would involve a like for like amount of accommodation compared with those existing units on the site. Furthermore, that effect would be evident as seen by people using the public footpaths a fairly short distance away to the north and north-west of the site from where I saw that the proposed units would be clearly visible, albeit to varying degrees, despite some intervening vegetation and hedgerows.

7. The appellant refers to a large housing development under construction at Killams to the east of the site. However, that development relates to housing on the edge of the Green Wedge, where the Council highlights that weight was given to the overall housing needs of the borough. The proposed development would be located away from the edge of the Green Wedge and comprising tourist accommodation rather than housing. The circumstances are therefore materially different and I have in any case determined this appeal on its own merits.

8. The appellant also claims that the site would be making effective use of brownfield land, having regard to paragraph 111 of the National Planning Policy Framework (the Framework). However, I have had regard to the definition of previously developed land in the Framework, which excludes land that is or has been occupied by agricultural buildings.

9. Nevertheless, even if the site could be considered as brownfield land, I conclude on this issue that that factor would not deflect from or outweigh my finding that, for the above reasons, the proposal would not be in a suitable location for holiday accommodation of the form proposed, having regard to the principles of sustainable development, including in relation to maintaining the Green Wedge. As such it would be contrary to policies CP8 and DM2 of the Core Strategy which together, amongst other things, seek to strictly control development outside of settlement boundaries in order to conserve the environmental assets and open character of the area, including maintaining green wedges and open breaks between settlements.

Provision for utility services

10. Limited evidence has been provided in respect of provision for utility services. However, in the event that the appeal were allowed, details of foul drainage could be appropriately and reasonably secured by condition, in the interests of preventing environmental pollution. The Council also refers to no information having been provided concerning refuse management. However, again, this could be secured by condition were the appeal allowed, which would be reasonable in the interests of maintaining the amenity of the surrounding area.

11. On the basis that these matters could be addressed by conditions, I conclude on this issue that it is likely that the proposal would make adequate provision for utility services, including foul drainage facilities. As such, in respect of this issue, it would accord with the Framework which in paragraph 17 sets out that planning should, amongst other things, always seek to secure a good standard of amenity for all existing and future occupants of land and buildings and contribute to conserving and enhancing the natural environment and reducing pollution.

Other matter

12. I have had special regard to the statutory duty to pay special attention to the desirability of preserving the setting of the nearby Grade II listed buildings (the LBs) comprising Cutliffe Farmhouse and Granary 25m north of Cutliffe Farmhouse. Although these buildings are both fairly close to the site, there nevertheless remains a distinct degree of separation, reinforced by the site being clearly demarcated and set apart from the LBs by its field boundary. For these reasons, the proposal would preserve the setting of the LBs.

Planning balance

13. 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.

14. I acknowledge that the proposal would have some economic benefits including in respect of the diversification of the existing farming enterprise. I also appreciate that tourism enterprise in rural areas is important to support a prosperous rural economy, including in terms of supporting jobs. However, I have insufficient substantive evidence to indicate that the demand for tourist accommodation could not be met by those forms set out in policy DM2 of the Core Strategy or in other locations within settlement boundaries. I have also received insufficient evidence to indicate that the existing farm would be reliant on such diversification in terms of financial viability. For these reasons, I have only afforded moderate weight to any potential economic benefits.

15. I have found that it is likely that the proposal would make adequate provision for utility services, including foul drainage facilities, and that it would also preserve the setting of the LBs. However, this does not deflect from my finding that the proposal would not be in a suitable location for holiday accommodation of the form proposed, having regard to the principles of sustainable development, including in relation to maintaining the Green Wedge. The moderate economic benefits referred to above would not outweigh that finding. It would therefore not be a sustainable form of development.

Conclusion

16. For the reasons given above, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR

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: 13 February 2018

Appeal Ref: APP/D3315/W/17/3185045
Land to the North of Cutliffe Farm, Sherford, Taunton, Somerset TA1 3RQ

- 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 Kibbear Farm Holidays against the decision of Taunton Deane Borough Council.
- The application Ref 38/16/0227, dated 26 June 2016, was refused by notice dated 20 July 2017.
- The development proposed is change of use of land from agricultural workers accommodation to holiday accommodation.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Kibbear Farm Holidays against Taunton Deane Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are whether or not the proposal would:

   i) be in a suitable location for holiday accommodation of the form proposed, having regard to the principles of sustainable development, including in relation to maintaining the Vivary Green Wedge (the Green Wedge);

   ii) make adequate provision for utility services, including foul drainage facilities.

Reasons

Suitability of location

4. I saw that there were a number of mobile home units on the site, some of which, but not all, were similarly positioned to those shown on the submitted plans. I note that units have in the past been, and potentially are still to some extent, used for accommodating seasonal agricultural workers. The extent to which this remains the case is unclear from the evidence before me. However, the Council highlights that such a use has been conducted on the site as permitted development on the basis that the units should be removed when

not required for seasonally accommodating farm workers. The extent to which, if at all, the existing units are therefore authorised is unclear from the submitted evidence. However, the authorised provision would result in only temporary siting of the units when needed which in turn would minimise the extent of ongoing encroachment of development into the Green Wedge.

5. The proposed accommodation may be moveable but it is clear from the submissions that it would be permanently sited as opposed to making provision for touring caravans. Furthermore, although there are existing mobile homes on the site, they are not authorised as permanent existing buildings. This is also emphasised by the appellant's submissions indicating that the units used for agricultural workers would be replaced by other units for the proposed tourist accommodation. The proposed accommodation would therefore not fulfil the criteria of accommodation that would be supported by policy DM2 of the Adopted Taunton Deane Core Strategy (the Core Strategy).

6. The permanent provision of mobile homes would in turn cause a permanent encroachment of development into the Green Wedge and a material resultant deterioration of the distinctive open character that it provides in maintaining a break between neighbouring settlements and preventing their coalescence. This would be regardless of whether or not it would involve a like for like amount of accommodation compared with those existing units on the site. Furthermore, that effect would be evident as seen by people using the public footpaths a fairly short distance away to the north and north-west of the site from where I saw that the proposed units would be clearly visible, albeit to varying degrees, despite some intervening vegetation and hedgerows.

7. The appellant refers to a large housing development under construction at Killams to the east of the site. However, that development relates to housing on the edge of the Green Wedge, where the Council highlights that weight was given to the overall housing needs of the borough. The proposed development would be located away from the edge of the Green Wedge and comprising tourist accommodation rather than housing. The circumstances are therefore materially different and I have in any case determined this appeal on its own merits.

8. The appellant also claims that the site would be making effective use of brownfield land, having regard to paragraph 111 of the National Planning Policy Framework (the Framework). However, I have had regard to the definition of previously developed land in the Framework, which excludes land that is or has been occupied by agricultural buildings.

9. Nevertheless, even if the site could be considered as brownfield land, I conclude on this issue that that factor would not deflect from or outweigh my finding that, for the above reasons, the proposal would not be in a suitable location for holiday accommodation of the form proposed, having regard to the principles of sustainable development, including in relation to maintaining the Green Wedge. As such it would be contrary to policies CP8 and DM2 of the Core Strategy which together, amongst other things, seek to strictly control development outside of settlement boundaries in order to conserve the environmental assets and open character of the area, including maintaining green wedges and open breaks between settlements.

Provision for utility services

10. Limited evidence has been provided in respect of provision for utility services. However, in the event that the appeal were allowed, details of foul drainage could be appropriately and reasonably secured by condition, in the interests of preventing environmental pollution. The Council also refers to no information having been provided concerning refuse management. However, again, this could be secured by condition were the appeal allowed, which would be reasonable in the interests of maintaining the amenity of the surrounding area.

11. On the basis that these matters could be addressed by conditions, I conclude on this issue that it is likely that the proposal would make adequate provision for utility services, including foul drainage facilities. As such, in respect of this issue, it would accord with the Framework which in paragraph 17 sets out that planning should, amongst other things, always seek to secure a good standard of amenity for all existing and future occupants of land and buildings and contribute to conserving and enhancing the natural environment and reducing pollution.

Other matter

12. I have had special regard to the statutory duty to pay special attention to the desirability of preserving the setting of the nearby Grade II listed buildings (the LBs) comprising Cutliffe Farmhouse and Granary 25m north of Cutliffe Farmhouse. Although these buildings are both fairly close to the site, there nevertheless remains a distinct degree of separation, reinforced by the site being clearly demarcated and set apart from the LBs by its field boundary. For these reasons, the proposal would preserve the setting of the LBs.

Planning balance

13. 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.

14. I acknowledge that the proposal would have some economic benefits including in respect of the diversification of the existing farming enterprise. I also appreciate that tourism enterprise in rural areas is important to support a prosperous rural economy, including in terms of supporting jobs. However, I have insufficient substantive evidence to indicate that the demand for tourist accommodation could not be met by those forms set out in policy DM2 of the Core Strategy or in other locations within settlement boundaries. I have also received insufficient evidence to indicate that the existing farm would be reliant on such diversification in terms of financial viability. For these reasons, I have only afforded moderate weight to any potential economic benefits.

15. I have found that it is likely that the proposal would make adequate provision for utility services, including foul drainage facilities, and that it would also preserve the setting of the LBs. However, this does not deflect from my finding that the proposal would not be in a suitable location for holiday accommodation of the form proposed, having regard to the principles of sustainable development, including in relation to maintaining the Green Wedge. The moderate economic benefits referred to above would not outweigh that finding. It would therefore not be a sustainable form of development.

Conclusion

16. For the reasons given above, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR

The Planning Inspectorate

Appeal Decision

Site visit made on 29 January 2018

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

an Inspector appointed by the Secretary of State Decision date: 15th February 2018

Appeal Ref: APP/D3315/W/17/3181230
Land at Beechwood, High Street, Milverton, Taunton, TA4 1LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr John Thompson against the decision of Taunton Deane Borough Council.
- The application Ref 23/16/0038, dated 4 October 2016, was refused by notice dated 7 February 2017.
- The development proposed is described on the application form as "Outline Planning Permission (All Matters Reserved) for 5 dwelling houses ('Self Build' serviced plots)"

Decision

1. The appeal is dismissed.

Main issues

2. Having regard to the Council's reasons for refusal the main issues are, firstly, the effect of the proposed development on the character and appearance of the surrounding area, including on the Milverton Conservation Area and other heritage assets; secondly, its effect on potential archaeological interests; and finally, whether a satisfactory access onto High Street could be constructed.

Reasons

The effect on character and appearance

3. The appeal site comprises an irregularly shaped plot of undeveloped paddock land, lying outside the defined settlement boundary of Milverton, on the south side of High Street. It is bounded by existing residential development on much of its northern boundary, with a small electricity sub-station to its east. Residential development at Woodbarton lines much of the site's southern boundary, although as this development sits at a much lower level it is not particularly visible when the site is viewed from its existing access, which is a field gate in a stone wall at High Street. The site's western end is bounded by further paddock land, with

more open agricultural land lying further to the west.

4. The site is generally fairly level, although it does tend to slope gently down to its southern boundary, and contains some appreciable undulations. In addition, the part of the site closest to High Street sits at a noticeably higher level than this adjacent highway. The site contains a fairly large, mature tree at its eastern end and a few apple trees along its northern side. There are also 2 timber, animal shelters, sited close to the rear boundary of Beechwood. The whole of the appeal site lies within the Milverton Conservation Area.

5. The Taunton Deane Core Strategy (CS) was adopted in 2012, and its Policy SP1 details what the Council considers to be sustainable locations for development. For Minor Rural Centres, such as Milverton, the Council expects new housing development to comprise small-scale developments within the settlement boundary, primarily on previously developed land. Outside of the settlements defined in this policy, proposals are to be treated as being in open countryside. This point is reinforced in Policy SB1 from the Taunton Deane Site and Allocations Development Management Plan (SADMP) adopted in 2016.

6. CS Policy CP8, also referred to in the Council's reasons for refusal indicates, amongst other matters, that the Council will conserve and enhance the natural and historic environment and will not permit development proposals that would harm these interests. It states that unallocated greenfield land outside of settlement boundaries will be protected and, where possible, enhanced - and goes on to explain that development within such areas will be strictly controlled, in order to conserve the environmental assets and open character of the area.

7. Whilst development outside of settlement boundaries will be permitted in certain circumstances, the policy explains that development should protect, conserve or enhance landscape and townscape character, whilst maintaining green wedges and open breaks between settlements; and should protect, conserve or enhance the interests of natural and historic assets. Furthermore, CS Policy DM1 requires proposals for development to not unacceptably harm the appearance and character of the affected landscape, settlement, building or street-scene.

8. The appellant acknowledges that the appeal site lies outside the settlement boundary, but argues that as it is located hard against this boundary, its development could be seen as a natural extension to the settlement. The appellant also maintains that the proposed development would respect the character of the area and would represent sustainable development as detailed in the National Planning Policy Framework ("the Framework"). A particular strand of the appellant's case is that as this application seeks planning permission as a matter of principle only, all matters concerning any perceived impacts on the Conservation Area, openness and heritage could readily be addressed during any subsequent approval of reserved matters.

9. However, I do not agree. In my assessment, development of the appeal site would clearly be at odds with CS Policy CP8 as it would adversely impact on the area's open character and would fail to protect, conserve or enhance this part of the townscape. Furthermore, it would fail to preserve the character or appearance of the Milverton Conservation Area, as this particular strip of open land is highlighted in the Conservation Area Appraisal Document as representing an important green "gap" in the continuity of development. The Appraisal notes that this open land is immediately visible on entering High Street, providing a physical linkage and views into the landscape beyond, and goes on to state that this provides an immediacy of connection between the village and its hinterland which is an important aspect of historic character.

10. Notwithstanding the outline nature of this proposal, and the fact that the development layout put forward at this stage is only indicative, the appellant has provided no clear evidence to persuade me that a detailed layout for 5 dwellings could be devised for this site which would not be harmful to the character and appearance of the Conservation Area. As such the appeal proposal would also be in conflict with CS Policy DM1, and would be at odds with paragraph 133 of the Framework which explains that where a proposed development would lead to substantial harm to a designated heritage asset, local planning authorities should refuse planning permission unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. I explore this matter in the planning balance, later in this decision.

11. I have noted the Council's contention that the proposed development would cause substantial harm to the setting of the Grade 1 listed St Michael's Church, which lies some little distance to the east, on the far side of St Michael's Hill. However, the immediate setting of the Church is formed by its grassed churchyard, and there is a mix of buildings and open spaces in its wider setting. The appeal site itself does not appear to play any specific role in the setting of the Church, and is not referred to as such in the Conservation Area Appraisal. In these circumstances I consider that if there was to be any harm to the Church's setting by development on the appeal site, this harm would be less than substantial.

12. Paragraph 134 of the Framework deals with situations where less than substantial harm is caused to the significance of a designated heritage asset and explains that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Like the Council I consider that less than substantial harm could be caused to the settings of 2 listed buildings which adjoin the appeal site boundary – Pithayne and Fort Gate on St Michael's Hill - as a result of the increased amount of built form adjacent to these listed buildings. As noted earlier, I assess this harm against any public benefits, later in this decision.

13. On this first main issue, for the reasons set out above, I conclude that the appeal proposal would have an adverse impact on the character and appearance of the surrounding area, and would also fail to preserve or enhance the character and appearance of the Milverton Conservation Area. Accordingly, I find conflict with the development plan policies to which I have already referred.

The effect on potential archaeological interests

14. The Council Officer's Report states that Milverton is a medieval village with the potential for Bronze age/pre-historic archaeology, and notes that a desk-based assessment and field evaluation should have been undertaken by the appellant to inform the likely nature of archaeological remains on the site. This reflects the consultation views expressed by South West Heritage, and the content of paragraph 128 of the Framework. No such assessment has, however, been submitted, with the appellant maintaining that any archaeological interests could be readily addressed by a suitable condition being attached to any planning permission granted.

15. It is indeed that case that archaeological concerns can often be addressed by an appropriate planning condition, but in this case, in the absence of any initial study or assessment, as referred to above, it is not possible to establish whether or not a planning condition would be able to satisfactorily preserve any archaeological interests. SADMP Policy ENV4 makes it clear that where a development proposal could affect archaeological remains, developers must provide for satisfactory evaluation of the archaeological value of the site, and the likely effects on it as part of the planning process. Such matters need to be established before any planning

permission is granted. Because of this I conclude that it has not been demonstrated that the proposed development would not have an adverse impact on potential archaeological interests. The proposal is therefore at odds with SADMP Policy ENV4, CS Policy CP8, and paragraph 128 of the Framework.

Access

16. The highway access shown on the submitted plans is indicative only, and whilst the Somerset County Council Transport Development Group raised no objection to the principle of residential development on this site, it was concerned that the indicative access did not appear to achieve suitable visibility in either direction. In view of the difference in levels between the site and High Street, the presence of the stone boundary wall and the bend in the road to the west I, too, am not persuaded that the required visibility of 43m to the west, from a set-back of 2.4m, could be achieved with the access in the position currently shown. It did seem to me, however, that adequate visibility to the east could be achievable.

17. It may be possible to relocate the access more to the east, in order to achieve this westwards visibility, but this is likely to impact on the land currently shown as the location for the Plot 1 dwelling, such that it is unclear whether or not it would still be possible to accommodate 5 dwellings on this site. Nevertheless I conclude, on balance, that a junction of the appropriate standard and with adequate visibility could quite likely be achieved on this High Street frontage. Because of this, if all other matters had been satisfactory the appeal would not have failed for this reason alone.

Other matters

18. I have noted the appellant's comment that the Council currently has no sites registered as suitable for self-build and custom build development, as required by the Housing Act 2016. But whether or not this is the case, it has no direct bearing on the planning considerations covered by the main issues in this appeal.

Summary and overall planning balance

19. I have found against the appeal proposal on the first 2 main issues, concluding that the proposed development would have a harmful effect on the character and appearance of the surrounding area and result in substantial harm to the Milverton Conservation Area. This would result in environmental harm and, as such, the proposal would not satisfy the environmental dimension of sustainable development as detailed in the Framework. I accept that the provision of 5 plots for self-build and custom build development would represent a public benefit, but this would in no way be sufficient to outweigh the substantial harm to the Conservation Area.

20. For all the above reasons my overall conclusion is that this appeal should be dismissed. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led me to this conclusion.

David Wildsmith

INSPECTOR

Appeal Decision

Site visit made on 9 January 2018

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 January 2018

Appeal Ref: APP/D3315/W/17/3186335
Land to the rear of 51 Tone Hill, Wellington, Somerset TA21 0AX

- 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 Mr Paul Bright against the decision of Taunton Deane Borough Council.
- The application Ref 43/17/0037, dated 27 February 2017, was refused by notice dated 11 May 2017.
- The development proposed is change the use of allotment to residential and erection of a garage.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on recreational open space.

Reasons

3. The appeal site comprises a rectangular landscaped area of land which incorporates a hardstanding constructed on brick walls due to the sloping topography. It adjoins an access road at the rear of residential properties that front onto Tone Hill. The adjacent land on either side of the site appears to be used for the growing of fruit and vegetables and one contains a structure to house chickens. There are structures such as greenhouses on these sites.

4. The Council has stated that the appeal site forms part of a larger area of allotments that was allocated as recreational open space in the Site Allocations and Development Management Plan (SADMP). This allocation reflected a similar designation in the Taunton Deane Local Plan 2004 (LP). The site is shown on the SADMP Policies Map as a recreational space. The allocation of land for recreational purposes is a matter which would normally be considered when a new plan is prepared, in the light of any representations made through consultation exercises and it would appear that such a review was carried out. However, I have little evidence before me as to whether there were objections to the inclusion of the overall allotments as recreational open space as part of the SADMP process.

5. SADMP Policy C3 states that the loss of recreational open space facilities as shown on the Policies Map will not be permitted unless identified criteria are met. The supporting text to that policy states at paragraph 1.4.4 that the Council defines recreational open space as usable areas of formal and informal green space above 0.4 hectares and includes allotments. Even though the area

of the appeal site is below 0.4 hectares the Council have stated that the overall area of the allotments is above that figure. Whilst, the allotments may now be in private ownership the site is usable as an allotment and in my experience many allotment sites are not open to the general public being only open to the owners or person renting each allotment.

6. Even though the appeal site does not appear to have been used as an allotment for a considerable period of time the remaining area of land shown as recreational space does appear to be used in the main for the purposes of allotment gardens. I have no information in relation to the amount of allotments in the area other than that adjacent to the appeal site and little information on the local demand for allotments. The appeal site appears to have been overgrown and neglected at the time that is was rented/purchased by the appellant. However, there is insufficient evidence to demonstrate that the proposal meets criteria A of SADMP Policy C3.

7. Whilst the conversion of the appellant's existing garage may bring about recreational benefits to him and his family I do not consider that this would outweigh the long-term recreational value of the appeal site as part of the overall allotment gardens. Accordingly, the proposal would not meet criteria B of SADMP Policy C3. I have no evidence to indicate that the remaining criteria of SADMP Policy are applicable in this case.

8. I acknowledge that there are structures, on the overall recreational open space, adjacent to Tone Hill. However, it would appear that those structures or ones similar to them have been present on the site since before the site was allocated in the LP. The garage would have a limited impact on the openness of the overall recreational site. Moreover, the use as a private garden may be recreational but it does not fall within the definition of recreational open space within the supporting text of SADMP Policy C3. Furthermore, the site could be sold to another party who may want to use it as an allotment garden.

9. Taking into account all of the above I do not consider that it has been demonstrated that the proposal would not harm the provision of recreational open space and it follows that it would conflict with SADMP Policy C3.

Other matters

10. I acknowledge that a new development is being constructed in the vicinity of the appeal site. Nevertheless, I have no details before me as to the circumstances that led to that development being accepted or the provision of open space in relation to that development. As such I give it little weight in the determination of this appeal.

11. I acknowledge that the construction of a garage would enable the conversion of the existing garage to be used as a gym in connection with health issues described by the appellant. However, whilst I have sympathy with these personal circumstances I do not consider that they outweigh the conflict with the development plan.

Conclusion

12. For the above reason, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR

The Planning Inspectorate

Appeal Decision

Site visit made on 5 February 2018

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2018

Appeal Ref: APP/D3315/W/17/3181011
Land to the east of Wild Oak Lane, Trull, Taunton

- 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 Mr Nigel & Mrs Helen Fry against the decision of Taunton Deane Borough Council.
- The application Ref 42/17/0005, dated 3 March 2017, was refused by notice dated 26 May 2017.
- The development proposed is the erection of a single dwelling.

Decision

1. The appeal is dismissed.

Preliminary matter

2. At the time the Council refused planning permission for this proposal the Trull Neighbourhood Plan ("TNP") had not been subject to public referendum. However, a referendum was held in June 2017 with a large majority of those voting giving their support to the TNP, which was subsequently adopted by the Council in July 2017. The TNP is therefore now part of the development plan.

Main issue

3. Having regard to the representations made, and the Council's reason for refusal, the main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The appeal proposal seeks to erect a large, individually-designed 2-storey detached dwelling, with an attached double-garage and undercover parking for a third car, on an area of agricultural land lying adjacent to the eastern side of Wild Oak Lane, outside the settlement boundary for Taunton.

5. The western side of Wild Oak Lane is built up along its length, with dwellings of differing styles and sizes set in variously-sized plots, but development is more sporadic on the eastern side of this road. Although there is a continuous row of frontage residential development to the south of the appeal site, the appeal site itself introduces a break in this frontage development of some 90m between Sunningdale in the south and the next property to the north – Withywind. There is then another break in development, of about 150m, created by a large agricultural field which runs up to the road frontage, before the next property to

the north – Applecombe. A small amount of further development lies to the north of Applecombe, before the junction with Honiton Road is reached.

6. The appeal site and the agricultural field between Withywind and Applecombe form part of a much larger area of open space on this eastern side of Wild Oak Lane, extending behind the frontage development and containing a public right of way and the Sherford Stream, which run broadly north-south through this area. The Council has explained that this open space is part of the Vivary Green Wedge, designated in the Council's Site Allocations and Development Management Plan ("SADMP") which was adopted in 2016.

7. This green wedge is part of a network of green infrastructure assets which the Council has identified and which, in summary, are to be retained and enhanced, as detailed in Policy CP8 of the Council's Core Strategy ("CS"), adopted in 2012. This policy indicates that unallocated greenfield land outside of settlement boundaries will be protected and, where possible, enhanced. It goes on to state that development within such areas will be strictly controlled in order to conserve the environmental assets and open character of the area. It then sets out a number of criteria, all of which must be met for development to be permitted in such areas. In my assessment the appeal proposal does not satisfy these criteria.

8. The appeal site also forms part of the Trull Meadow Local Green Space (LGS) designated in the adopted TNP under Policy E1. The TNP explains that these areas of LGS have been designated in accordance with guidance in paragraph 76 of the National Planning Policy Framework ("the Framework"), which states that by designating land as LGS local communities will be able to rule out new development other than in very special circumstances. In this regard the Framework explains that local policy for managing development within a LGS should be consistent with policy for Green Belts.

9. The Framework goes on to make it plain that identifying land as LGS should be consistent with the local planning of sustainable development, and needs to satisfy a number of criteria. The fact that the Trull Meadow LGS is included in the adopted plan, under Policy E1, demonstrates that it has been considered to accord with these criteria.

10. Paragraph 89 of the Framework indicates that the construction of new buildings should be regarded as inappropriate in Green Belt (and hence also in LGS). However, there are a number of exceptions to this general policy stance, and the appellants argue that the exception listed in the final bullet point of this paragraph, relating to "limited infilling", should apply in this case. In support of this view, the appellants' case is that as the appeal site has development on 3 sides, it should be seen as an infill plot within an otherwise developed road frontage and, as such, its development should not be seen as inappropriate, and the "very special circumstances" test should not apply.

11. However, whilst I acknowledge that there is no definition of "limited infilling" in the Framework, there are several reasons why I do not consider that the appeal proposal can be so described. Firstly, as the appeal site's frontage seems to me to be at least twice the width of the other developed plots to the south, I am not persuaded that full development of this entire site with a single dwelling could be reasonably seen as being in any way "limited infilling".

12. Moreover, having regard to the extent of existing development on this eastern side of Wild Oak Lane, as detailed above, I do not consider that it can be

reasonably described as "an otherwise developed road frontage". There is a significant break in development between Sunningdale and Applecombe, with Withywind appearing more as a rather isolated dwelling, surrounded by a large expanse of agricultural land on 3 sides, than as part of a developed frontage.

13. In any case, a complete reading of the last bullet point of the Framework's paragraph 89 makes it clear that for any limited infilling within the Green Belt or LGS to be acceptable, it should not have any greater impact on openness and the purpose of including land within that designation, than the existing development. With a proposed floor area of some 478 sqm, and a relatively extended built footprint, and with built form rising up to 2 storeys, I have no doubt that the proposed development would have an increased impact on openness, compared to the existing development in this locality. It would also reduce the extent of the current visual connection between the LGS and Wild Oak Lane, especially apparent to pedestrians who use this road. In light of the above points I find the appeal proposal to be in conflict with Policy E1 of the TNP and also with Policy CP8 of the CS, referred to above.

14. I have noted the appellants' contention that the appeal site lies in a sustainable location, within easy walking distance of the good range of services and facilities provided within Trull, and I do not dispute this. However, it does not automatically follow that development of the appeal site would represent sustainable development, as described in the Framework. Indeed the clear conflict with adopted development plan policies which I have just identified, means that the appeal proposal does not represent sustainable development.

15. In this regard the appellants' assertion that the appeal site fulfils the criteria for inclusion within a settlement boundary can carry very little weight. The fact remains that the site does <u>not</u> lie within the settlement boundary of Taunton, and it is to this that I have to have regard. Similarly, I can give very little weight to the appellants' further assertion that if assessed on its own, rather than as part of a much wider area of land, the appeal site does not warrant inclusion within either the Vivary Green Wedge of the Trull Meadow LGS. These are points that could have been made at the appropriate times during the preparation of the CS, the SADMP and the TNP. The fact that the appeal site <u>is</u> so designated in the adopted development plan shows that the Council did not accept such views.

16. Drawing all the above points together, I conclude that the appeal proposal would have an adverse impact on the character and appearance of the appeal site and the surrounding area, by introducing an appreciable amount of built-form and associated domestic paraphernalia and vehicles to an otherwise undeveloped, countryside location. As such I conclude that the appeal proposal would fail to conserve and enhance the natural environment, as required by CS Policy CP8, and would also be at odds with point "d" of CS Policy DM1 which has similar aims. It would also be in conflict with CS Policy DM2 which seeks to restrict development in the countryside unless for specific uses, none of which apply here. For reasons already given the proposal is also in conflict with Policy E1 of the TNP.

Other matters

17. I have noted that the appeal proposal is for a self-build house, and understand that the appellants are on the Council's self-build register. I have further noted the appellants' contention that the Council is not fulfilling its duties under the Self-build and Custom Housebuilding Act 2015, to have regard to its self-build register in carrying out its planning functions. But whether or not this is the case, this

matter does not go to the heart of the main issue in this case, and therefore does not carry any significant weight in the proposal's favour.

18. Taken on its own, I accept that the appeal proposal represents a high quality of design, and I have noted that many of the interested persons writing in support of the proposal also praise the design quality and consider that it would add some diversity to the village's housing stock; would represent "stand-out modern housing" ; and would be a benefit to the area. However, these points do not constitute good reasons why the development plan policies, referred to above should be over-ruled.

19. Indeed, the Framework's first core planning principle makes it clear that planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. In my view this is the situation in place here. Accordingly, the aforementioned points made by the appellants and interested persons do not add any material weight in the proposal's favour.

20. Finally, I have noted the comments made by many of those who submitted representations opposing this proposal, that if allowed it could create a precedent for other development within the LGS. I have, however, given limited weight to these comments as I have determined this proposal on its own merits.

Overall conclusion

21. Having regard to all the matters discussed above, I have found that the appeal proposal would cause harm to the character and appearance of the surrounding area, and I have not been persuaded that any of the matters put forward by the appellants amount to very special circumstances why the proposed development should be permitted. I therefore conclude that this proposal is not acceptable, and that the appeal should be dismissed.

22. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led me to my conclusion.

David Wildsmith

INSPECTOR

Appeal Decision

by Jessica Graham BA (Hons) PgDipL

an Inspector appointed by the Secretary of State

Decision date: 22 March 2018

Appeal Ref: APP/D3315/X/17/3178398
The Old Barn, Stawley Wood Farm, Stawley, Wellington TA21 0HD

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as

amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).

- The appeal is made by Mr James Luard against the decision of Taunton Deane Borough Council.
- The application Ref 35/17/0002/LP, dated 9 February 2017, was refused by notice dated 3 May 2017.
- The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is a dwelling house.

Decision

1. The appeal is dismissed.

Procedural matters

2. No site visit was made in this case as it was not necessary for me to inspect the property internally or externally in order to determine the appeal.

3. In order for an LDC to be granted under s192 it is necessary for the appellant to show, on the balance of probabilities, that the development would be lawful on the date of the application. In this case, that turns on the correct interpretation of provisions within the *Town and Country Planning (General Permitted Development) Order 2015* as amended ("the GPDO"). It will therefore be helpful to begin by looking at the relevant provisions of the GPDO.

The terms and operation of the GPDO

4. The GPDO is structured so as to grant permission for the various classes of "permitted development" described in Schedule 2. For each class, the type of development is set out under the heading "Permitted Development". Next, under the heading "Development Not Permitted", any restrictions or limitations to the type of development authorised are listed. This is followed, in most of the classes, by a list of conditions under the heading "Conditions".

5. The grant of planning permission is made through the operation of article 3(1) of the GPDO and the provisions for "permitted development" in the relevant class of Schedule 2. To qualify as permitted development, a proposal has to come fully within the relevant description of "permitted development" provided for the relevant class. If it does not, the provisions for "Conditions" applicable specifically to that class of permitted development cannot relate to it.

6. In this case, for the provisions relating to conditions in paragraph Q.2 to come into play, the proposed development would have to fall squarely within the description of "permitted development" in Class Q: that includes complying with the various restrictions and limitations set out at paragraph Q.1 under the heading "Development not permitted".

7. If the proposed development does fall within that definition, the condition set out at paragraph Q.2(1), requiring the developer to apply to the Council for a determination as to whether its prior approval would be required in respect of a range of specified details, becomes relevant. Importantly, this condition does not impose on the Council a duty to decide whether or not the development in question is, in fact, permitted development under Class Q: its sole function is to enable the Council to determine whether or not prior approval would be required for those specified details of that particular permitted development.

8. The effect of this is that if the Council were to decide that its prior approval was not required, the condition would be discharged and the developer could proceed with the permitted development – though not with any development which was not permitted development. If on the other hand the Council failed to make a determination (or to provide written notification of that determination) within the period specified by the GPDO, again the developer could proceed with the permitted development, but again not with any development that was not permitted development. The developer would not at any stage have planning permission for development that was not, in fact, permitted development.

Main issues

9. It is common ground that the appellant's application for a determination as to the requirement for prior approval of the residential conversion of The Old Barn ("the barn") was registered by the Council on 8 September 2016, such that the 56 days notification period specified in Paragraph W of the GPDO expired on 3 November 2016. The main issues in this case are (1) whether or not the proposed development accords with the description of permitted development in Class Q; and (2) if it does, whether or not the Council notified the appellant of its determination concerning prior approval by the due date of 3 November 2016.

Analysis

10. Paragraph Q.1.(a) of Schedule 2 to the GPDO states that development is not permitted by Class Q if the site was not used **solely** for an agricultural use as part of an established agricultural unit on 20th March 2013 ("the Relevant Date").

11. The appellant contends that while the barn had been used in part for the keeping of horses prior to 20 March 2013, the horses had left by the end of January 2013. This is supported by a letter dated 16 January 2013 signed by "Wendy" of Cider Cottage Strawley, which states "As of Sunday 13 January 2013 two horses have been stabled elsewhere. The remaining horse will be going on Sat or Sunday 19th/20th January". The Council does not appear to dispute this evidence.

12. I appreciate the appellant's point that it is very difficult to prove, from a distance of several years, what items were stored in the barn in March 2013. It

is also clearly regrettable (to put it mildly) that the Council failed to respond to the appellant's letter of 5 October 2016, which requested advice on how best to demonstrate what the use of the barn had been on the Relevant Date. However, the burden of proof rests with the appellant. If no photographic evidence is available, nor documentary evidence such as copies of invoices, or letters from customers or suppliers, it is still possible to provide a sworn affidavit or statutory declaration detailing personal knowledge of the use made of the building. No such supporting evidence, of any kind, has been provided here.

13. I should make it clear that this does not mean I have any reason to doubt the written representations made by the appellant. In an appeal relating to a LDC, there is no requirement that the appellant's evidence be corroborated by "independent" evidence: if there is no evidence to contradict or make the appellant's version of events less than probable **and** his evidence alone is sufficiently precise and unambiguous, the LDC should be granted.

14. In support of his contention that the barn was used solely for agriculture on the Relevant Date, the appellant places considerable reliance on the Council's letter dated 9 January 2012, in which it stated that it was satisfied the building was primarily in agricultural use, and confirmed that "the level of business/storage of personal effects currently taking place does not result in a material change of use of the building."

15. However, the context of this letter was the Council's 2011 investigation into whether there had been a breach of the condition limiting the use of the barn to purposes of agricultural storage and livestock. The Council was not then assessing whether the barn was used "solely" for agriculture in the terms of the GPDO; at that time, provisions for converting agricultural buildings to dwellings as permitted development had not been introduced. Rather, the Council was assessing whether a "material change of use", such as would amount to development in the terms of s.55 of the 1990 Act, had taken place.

16. The Council did have cause to assess whether the barn was "used solely for an agricultural use" in the terms of the GPDO on two subsequent occasions. Firstly when the appellant sought pre-application advice in 2014 about the potential for converting the barn to a dwelling[1], and then again in 2016 when the appellant applied for notification of whether prior approval would be required for the proposed change of use of the barn to a dwelling. On both occasions, the Council wrote to the appellant[2] setting out its view that on the Relevant Date the building was being used for other purposes in addition to agriculture, and so its conversion to a dwelling would not constitute permitted development within the terms of the GPDO.

17. In his appeal statement, the appellant says he now realises that had the Council responded to his letter seeking advice on how best to demonstrate what had been in the barn on the Relevant Date, he could have provided records of his horticultural business; he states "My stock and all my display equipment was stored in the barn as explained in Appendix B."

[1] At this time the predecessor to the current GPDO was in force: The Town and Country Planning Order (General Permitted Development) 1995 (as amended). Paragraph MB.1 (a) of that Order contained a similar requirement to Paragraph Q.1 (a) of the current GPDO, to the effect that the building must have been used solely for an agricultural use as part of an established agricultural unit on 20 March 2013.

[2] Letters dated 2 September 2014 and 29 September 2016

18. The appellant has not, however, provided any records of his horticultural business. Appendix B is a copy of a letter dated 21 December 2011 from the appellant's representatives to the Council, written to accompany a completed Planning Contravention Notice (a copy of which has not been provided). At bullet point 4 the letter advises that there are "about a dozen cardboard boxes containing personal possessions" in the storage area above the stables, and that the appellant "...also has located there a certain amount of stock for his small horticultural/garden sundries business which he runs from home".

19. As to any variation in the storage use of the barn between 21 December 2011 and 20 March 2013, the appeal statement addresses this in the context of the pre-application advice provided by the Council in the autumn of 2014. The appellant states that in his opinion, the planning officer who inspected the barn prior to providing advice "...assumed the few non agricultural items were in the same cardboard boxes (some of them were but I had added to and sold horticultural stock and removed a few domestic items)... My records show that between 09 January 2012 and 11th August 2014, I had exhibited on 8 show days and had replaced £720 worth of stock which will have come in 7-9 full cardboard boxes. I am unable to prove how many part full cardboard boxes this new stock replaced but logically, there would have been more part full ones."

20. It appears from this that the appellant acknowledges the barn was still being used in part to store his personal possessions on the Relevant Date. The volume of those possessions is likely to have reduced from "about a dozen cardboard boxes" notified by the appellant in December 2011 due to the stated removal of "a few domestic items". However, in the absence of any further details, it is not possible to establish the precise extent of this particular use.

21. I have not been provided with details of the extent or intensity of any other use made of the building on 20 March 2013. The appellant has provided evidence that horses were no longer kept in the livestock area of the building at that time, but there is no information as to whether agricultural livestock was present. The Council's pre-application advice letter of 2 September 2014 describes the rear section of the building as being set up as a workshop, but no information has been provided as to whether this had been the case in March 2013, and if so, what the workshop was used for. There is evidence that stock connected with the appellant's horticultural business was stored in the barn on the Relevant Date, but again there is insufficient information to establish the quantity of stock involved.

22. What has been established is that the barn was not being used for the keeping of horses, but was being used for domestic storage, on the Relevant Date. Domestic storage is not a use that could be regarded as ordinarily and reasonably incidental to agricultural use. The extent of the domestic storage is not clear, but is described as involving "about a dozen cardboard boxes containing personal possessions" less "a few domestic items" that had been removed since 2011. I appreciate that the sizes of cardboard boxes may vary, but this remains a substantial amount of non-agricultural storage.

23. Taking all of this into account, in my judgment the evidence provided is not sufficiently precise and unambiguous to establish, on the balance of probabilities, that the barn was used "solely for an agricultural use" on 20 March 2013, as required by the terms of Class Q of the GPDO. I therefore

conclude that the proposed change of use of the barn to a dwelling does not constitute permitted development under the terms of the GPDO.

24. Since I have determined that the proposed development does not fall within the definition of development permitted by Class Q, the pre-commencement condition set out at Paragraph Q.2.1 (that is, the requirement for the developer to apply, prior to beginning the development, for a determination as to whether the prior approval of the Council will be required) is not relevant here. It is not, therefore, necessary to address the question of whether the Council provided notification of its determination within the specified period. As set out at paragraph 8 above, even if the Council failed to provide notification within the prescribed period of 56 days, that would not mean that the appellant could lawfully carry out the proposed development, because it would still be the case that the development was not "permitted development" under the GPDO.

25. In summary, the proposed change of use of the barn to a dwelling house constitutes development that does not fall within any class of "permitted development" provided for by the GPDO. This means that it would require an express grant of planning permission. Since no such grant of planning permission existed on the date of the LDC application, the development would not have been lawful so a Certificate of Lawfulness could not be granted.

26. The appellant has raised a number of concerns about the Council's handling of his applications, and the advice it gave (or failed to give) prior, and subsequent, to its determination of them. While these are concerns which may perhaps be pursued through other channels, they are not relevant to my determination of this appeal and cannot influence my decision on the matters here at hand.

Conclusion

27. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the proposed use of The Old Barn as a dwelling was well-founded, and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Jessica Graham

INSPECTOR

The Planning Inspectorate

Appeal Decision

Hearings held on 9 January and 21 February 2018

Site visit made on 9 January 2018

by Mike Fox BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

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

Appeal Ref: APP/D3315/W/16/3157862
Land at Hartnell's Farm, Monkton Heathfield Road, Monkton Heathfield, Taunton, Somerset, TA2 8NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
- The appeal is made by Strategic Land Partnerships against the decision of Taunton Deane Borough Council.
- The application Ref 48/16/0033, dated 27 April 2016, was refused by notice dated 30 August 2016.
- The application sought outline planning permission for residential development up to 320 dwellings, green infrastructure including public open space, associated works and demolition of buildings with all matters reserved including the point of access on land at Hartnell's Farm, Monkton Heathfield without complying with a condition attached to planning permission Ref 48/13/0008, dated 26 November 2015.
- The condition in dispute is No 12 which states that: *No more than 150 dwellings shall be constructed and occupied until the Western Relief Road, as required by the Taunton Deane Core Strategy, has opened for use.*
- The reason given for the condition is: *In the interests of highway safety and to ensure that the development does not result in an unacceptable overloading of the existing highway network.*

Decision

1. The appeal is allowed and outline planning permission is granted for residential development up to 320 dwellings, green infrastructure including public open space, associated works and demolition of buildings with all matters reserved including the point of access on land at Hartnell's Farm, Monkton Heathfield in accordance with application Ref 48/16/0033, dated 27 April 2016 without compliance with condition number 12 previously imposed on planning permission Ref 48/13/0008, dated 26 November 2015 and subject to all the other conditions imposed on that permission.

Preliminary Matters

2. A second application (Ref 48/16/0025), which is a resubmission of the appeal application (same proposal, same site), was granted planning permission on 26 May 2017. Unlike the appeal application, the second application includes a Section 106 Agreement, which makes provision for a financial contribution of £1 million towards the provision of the Western Relief Road (WRR) prior to or on commencement of development.

3. Although all matters were reserved in the original outline application for future approval, an illustrative layout drawing shows a possible location for the vehicular access in the form of a priority junction. The Appellant also indicated that the precise form of this access would be determined in consultation with the highway authority, including the possibility of either a signalised junction or a roundabout, and a couple of options were submitted[1].

4. In determining the appeal, I have taken account of the Statement of Common Ground (SCG), dated December 2017, signed by the Appellant and the Local Planning Authority. This document states both the areas of agreement and those aspects which are still an issue between the main parties.

5. The areas of agreement state: (i) housing land supply figures are not relevant to the determination of this appeal; (ii) the dispute over the impact of the proposed development on the local highway network is confined to the junction of the A3259, Milton Hill and Greenway; (iii) the highway authority's automatic traffic counter (ATC) data is correct and can be relied upon; (iv) the development and occupation of 320 dwellings on the appeal site will not have a severe impact on the highways network; (v) the traffic on the network in 2017 is lower than that forecast in 2013 for 2018; and (vi) there is a planning permission for the construction of the WRR, which must be implemented by 9 March 2018, and a mechanism for its funding is included within a signed Memorandum of Understanding (MOU).

6. The matters still in dispute centre on traffic considerations and partly cut across the areas of agreement. In particular, the highway authority contends that the Appellant's conclusions on the traffic counts since the introduction of the Bridgwater Road bus gate are premature, and that there is insufficient evidence to conclude that the traffic pattern will settle at the current recorded level. I will address this matter later in my decision.

Main Issue

7. The main issue is whether condition no (12) attached to planning permission Ref 48/13/0008 is necessary and reasonable for the satisfactory development of up to 320 dwellings at Hartnell's Farm, having regard to the impact of the 'full' proposal on the local highway network, including the principles of sustainable development, highway safety and the satisfactory flow of traffic.

Reasons

8. The appeal site is agricultural land, to the north-west of the A3259 main road, about 5 kilometres north-east of Taunton town centre. The 16.1 ha site lies on the north-west edge of the Monkton Heathfield urban extension, which is being developed into a large, sustainable neighbourhood.

Policy background

9. Policy SS1 of the Core Strategy[2] makes provision for a new sustainable neighbourhood comprising 4,500 new homes, in addition to 22.5 ha of employment land, other community uses and strategic landscaping, to be delivered at Monkton Heathfield. This will form phase 1 of a north-eastern urban extension of Taunton. In addition to the number of homes in Phase 1,

[1] Hearing Document 12.
[2] Adopted Taunton Dean Core Strategy 2011-2028; September 2012.

the Council has agreed to the release of interim sites, such as Hartnell's Farm, to ensure a 5 year supply of available housing land in the Borough.

10. Policy SS1 highlights the importance of strategic highway improvements as part of an integrated strategy for the new development at Monkton Heathfield. Improvements to the A38 and A3259 are identified as a prerequisite of the urban extension, and the policy identifies two specific highway schemes as part of its approach. The first is a new eastern development spine, the Eastern Relief Road (ERR) which has recently been opened to traffic. It is designed to be converted to a dual carriageway should this be necessary.

11. The second scheme is a new western development spine, the Western Relief Road (WRR), to the south-west of the appeal site. The WRR has not been constructed in its entirety[3], and it is a material consideration in this appeal. In addition, the former A38 at Bridgwater Road has been closed to private vehicles, with the implementation of a bus gate at its southern end. Through traffic has been diverted to the ERR, which is now designated as the A38. A second bus gate is proposed on the A3259, just to the north of the appeal site, with through traffic to be diverted to the ERR, to be implemented once the WRR is open to traffic.

The Main Issue – Highways Impact

12. The role of the WRR, which is identified on the Monkton Heathfield Concept Plan in the Core Strategy, is to connect the A38 and the A3259 on a route to the south-west of Monkton Heathfield. By linking these two roads, and connecting to the ERR, the WRR will take a significant amount of the existing vehicular traffic using the A3259, which will provide access to the appeal site.

13. The Council considers that condition (12), which limits the number of dwellings that can be constructed and occupied to 150 on the appeal site until the WRR has opened for use, is necessary for highway safety and to ensure that the proposal does not result in a cumulative severe vehicular impact on the existing highway network.

14. The Council considers that the cumulative impact on the existing A3259, including the operation of the A3259/Greenway/Milton Hill junction, and the Milton Hill/Bridgwater Road junction, which is located a short distance to the south of the appeal site in the absence of condition (12) would be severe[4]. It therefore considers that the proposal would be contrary to paragraph 32[3] of *the Framework*[5], which states that development should be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

15. There is no definition of the term 'severe' in either *the Framework* or in the Government's Planning Practice Guidance (PPG). There was a discussion at the Hearing into what is meant by 'severe', and the Appellant drew my attention to an appeal decision and an Inspector's report to the Secretary of State which consider the term[6]. In the report to the Secretary of State[7], the Inspector

[3] A short section of the WRR has been built at the eastern end of the route, to enable access to the housing development at Aginhills.
[4] This was confirmed at Day 2 of the Hearings and in the Appellant's Technical Note 2, Section 1 – Introduction and Overview.
[5] DCLG: National Planning Policy Framework (NPPF) (*the Framework*); March 2012.
[6] Hearing Documents 8 and 9.
[7] Hearing Document 8.

comments (paragraph 34) that the term 'severe' sets a high bar for intervention via the planning system in traffic effects arising from development, stating that: "*The Council agreed that mere congestion and inconvenience was not sufficient to trigger the 'severe' test but rather it was a question of the consequences of such congestion*". I agree with my colleague's comments, which have influenced my determination of the appeal...

16. In the above mentioned appeal decision[8], the Inspector considers (paragraph 25f), and I agree with him, that the queuing of vehicles is a relevant matter in looking at cumulative impact of development on the local highway network.

17. The main parties considered that the critical elements in assessing whether the impact was severe were firstly, increase in the number of vehicles likely to be generated by the proposed development in relation to the capacity of the road to accommodate such an increase, both in terms of free-flow of traffic and highway safety. In addition, the ability for pedestrians to cross the main road conveniently and safely and the ease of vehicles to gain access to the main road from side streets and access points, were agreed to be important factors in assessing potential severity of impact.

18. In considering whether the cumulative impact of the 'full' proposal at Hartnell's Farm on the local highway network would be 'severe' (i.e. with the removal of condition (12)) and in the light of the written submissions and discussion at the Hearings, I have identified four relevant considerations:

Consideration 1 – Projected traffic flows on the A3259 Corridor as a result of the full proposal in terms of congestion and highway safety

19. In looking at the projected traffic flows along the A3259, it is necessary to consider the impact of the full development on the 'carrying capacity' of the road; would it significantly erode the free flow of traffic and driver/pedestrian safety and would the critical junctions be overloaded?

20. The Appellant's Technical Note 2 (TN2), dated January 2014, analyses traffic conditions at both the Milton Hill/A38 (now the declassified Bridgwater Road) junction and the A3259/Greenway Junction. It is based on three development scenarios over the period 2015 - 2020, for 100, 150 and 320 units of housing.

21. TN2 states that in the forecast year 2020, the Milton Hill/Bridgwater Road junction would continue to function "comfortably", even with the full 320 dwellings at the appeal site.

22. The modelling for the A3259/Greenway Junction, however, reveals serious congestion, even at the 2015 baseline scenario. It is expected to continue to operate above the 85% threshold. However, TN2 shows that with the inclusion of the proposed signalised crossings on the A3259, this figure reduces from 109% capacity, in the 150 dwelling scenario, to 100.1%, for the AM peak, i.e. 9% betterment, with a slight rise to 103.0% for the PM peak, still representing a substantial betterment over the 2020 base year. The 320 dwelling scenario gives a higher figure of 103.9% in the AM peak and 105.6% for the PM peak.

23. TN2 concluded that the development at Hartnell's Farm should be capped at 150 dwellings until such time as both the ERR and WRR were constructed and opened to public use, based on the operational capacity of key pinch points

[8] Hearing Document 9.

(i.e. the two above-mentioned junctions) being safeguarded within reasonable levels. TN2 was also prepared against an expectation by the main parties that the development of the WRR was "imminent".

24. Two updated traffic reports were submitted by the Appellant since TN2. The first, dated January 2016, showed traffic growth was lower than forecast when the original Transport Assessment (TA) was produced in 2013. The highway authority stated that January is not considered to be a 'neutral' month for traffic surveys[9], and considered the timing of the survey to be premature in being able to assess the full effects of the recent opening of the ERR, whilst there were also several temporary road closures in the area at that time. However, the SCG's Matters of Agreement (section 7, bullet point 7) indicate that the actual traffic on the network in 2017 is lower than that forecast in the 2013 TA for 2018[10].

25. Concern was expressed by the highway authority that the full effect of the implementation of the Bridgwater Road bus gate in September 2017 could result in increased traffic using the A3259 past the appeal site; ideally, more time was needed to understand the effects of both the ERR and the bus gate on traffic patterns in Monkton Heathfield.

26. The Appellant submitted a further updated traffic statement, 'Supplementary Transport Statement of Evidence (STS) No 3'[11], dated 14 February 2018. It provides data based on highway authority vehicle counts at its ATC on the A3259, a short distance to the north-east of the appeal site. This shows four months of traffic data recorded since the implementation of the Bridgwater Road bus gate, i.e. from September to December 2017. The STS shows not only a fall for both AM and PM peak traffic from October to December in 2017 compared to 2016, but importantly, a sharp decline in both the AM and PM peaks to below the December 2016 levels, in the region of 8.6% for the AM peak and 10.3% for the PM peak.

27. The veracity of these traffic figures was not challenged by the local planning authority, although members of the public pointed out that even if the amount of traffic has declined (which they doubted), the noise impact from large vehicles using the A3259, especially after midnight, remains high. In view of the late submission of the STS, and little officer time to digest it, the local planning authority was given additional time to make a written response.

28. It appears from the latest data that traffic has adjusted to both the Bridgwater Road bus gate and the ERR. There is no evidence to suggest that more traffic will use the A3259 in preference to the ERR. In fact the opposite appears to have happened. The ERR would be the 'obvious' through route for the majority of drivers, even before the opening of the WRR, in terms of signing and quality/ alignment of the highway, whilst the proposed pedestrian crossings on the A3259 and the impact of the proposed access to the appeal site would further discourage traffic from using this route. An additional supporting factor is that the ERR provides direct access to the M5 as well as to Taunton town centre.

[9] DMRB Volume 13, Part 14.
[10] This conclusion is also set out in SCDC's second bullet point in its comments on the Appellant's Rebuttal, in the form of a Memorandum dated 20 December 2017 (although the date is given erroneously as 2018).
[11] Examination Document 13.

29. Both main parties submitted late final documents: a SCC Memorandum[12] maintaining its concern that the removal of the 150 dwelling cap would be premature, and a response by the Appellant[13], arguing that the latest figures show an overall decrease in peak hour traffic between 2016 and 2017. Whilst I accept there has been relatively little time since the implementation of the Bridgwater Road bus gate in September 2017, the SCC Memorandum acknowledges "some spare capacity" due to considerable network changes, and the ATC figures show a decrease in traffic for eight out of the twelve months over 2016/17, including a significant decrease in the December totals. I accept that part of the reason for the overall drop in peak flows could be that the peak period has spread from one to over two hours in recent years, but the fact remains that the figures show an overall reduction in peak traffic.

30. Based on the above information, and in particular the additional, updated highway survey work in the STS and the highway authority's acceptance at the Hearing that the projected traffic numbers have fallen, I do not agree that the cumulative traffic impact generated by the increase from 150 to 320 dwellings at Hartnell's Farm would result in unacceptable congestion on the A3259 in the vicinity of the appeal site. On this basis, I conclude that the impact would not be 'severe' with reference to paragraph 32 of *the Framework*.

Consideration 2 - Infrastructure improvements along the A3259 Corridor

31. The Appellant argues that the existing and proposed infrastructure improvements along the A3259 Corridor would enhance pedestrian access both along and across the main road, and enable key junctions to operate within capacity. These improvements include the following:

(i) Relocated 30 mph speed limit sign further to the north-east, to reduce legal vehicle speeds at the entrance to the Hartnell's Farm. This is to be reinforced by a village gateway feature.

(ii) Three signalised pedestrian crossings on the A3259 between its junction with the A38 to the north-east and Yallands Hill to the south-west, one of which is in place and operational.

(iii) Sections of footway along the A3259 are to be improved to ensure a continuous 1.8-2m width.

(iv) Several junctions are to be improved, most notably Greenway/Milton Hill/A3259.

(v) The proposed access to Hartnell's Farm is to be in the form of either a roundabout or a signalised T junction.

32. These improvements would slow traffic and break up the continuous flow of vehicles into what were described at the Hearing as 'platoons', which would allow for the emergence of gaps to enable turning traffic to manoeuvre safely. The Appellant's modelling[14] shows that although vehicle delays would increase, this is not sufficient to cause a material impact on the road network.

33. I find no reason to doubt the robustness of the Appellant's traffic modelling. The projected traffic flows, delays and queue lengths would not be sufficient to

[12] Examination Document 26.
[13] Examination Document 27.
[14] For example included within the Appellant's Transport Statement; August 2016.

cause material harm to either safety or ease of traffic flow along the A3259 corridor, or to any other parts of the local highway network. On the basis of the traffic data discussed at the Hearing, I consider that the existing and proposed infrastructure improvements along the A3259 Corridor would improve pedestrian movement along and across the main road. I therefore do not consider that the impact on highway safety or on ease of traffic movement could be classified as 'severe'.

Consideration 3 – The potential for sustainable transport

34. The Appellant argues that the sustainable location of the appeal site means that it is likely that a high proportion of trips could take place by sustainable means without using the private car.

35. Clearly, not everyone would stop driving cars along the A3259 as a result of public transport improvements. I consider, however, that the combination of the appeal site's proximity to several facilities and services, such as schools and shops, and the likelihood of significant improvements to bus services (including the Taunton-Bridgwater rapid transit bus proposal), cycling and pedestrian routes coming to fruition, will have some effect in reducing the growth of vehicular traffic along the A3259.

36. From the evidence before me, I expect the proposals for sustainable transport along the A3259 would have some effect on reducing the volume of traffic, even if the amount of modal shift from the car turns out to be less than expected. I have already stated that the traffic impact of the full proposal would not be 'severe', so the effect of any modal shift would be likely to improve an already non-severe impact on the local highway network.

Consideration 4 – Implementation of the Western Relief Road (WRR)

37. Both parties agreed that the delivery of the road is not straightforward. The Council's situation update on the implementation of the WRR[15] maintains it is a critical part of the proposed strategic highway network for the new community of Monkton Heathfield, as outlined in Policy SS1. It states that its detailed design is almost complete, with the only matter holding back its delivery being the lack of a £1 million contribution, included in the Section 106 Agreement accompanying the second application for the same scheme (see Preliminary Matters above). The Council also stated its intention to start work on the WRR by 9 March 2018, before the expiry of the planning permission. It submitted a plan[16] showing the critical importance of the WRR in relieving the A3259.

38. The Council also submitted a schedule of estimated costs for the delivery of the WRR[17], amounting to £5.4 million, and outlined its concern that, in the absence of funding from the Appellant, there could be further delay in the delivery of this road. In the absence of the necessary funding for the WRR to come forward in the near future, the Council, supported by SCC, stated that the development of the full planning permission at Hartnell's Farm would result in severe cumulative highway impact. However, at the Hearing, the Council stated it would look to other potential finance to complete the road, such as through the Borough's recently granted Garden City status.

[15] Hearing Document 6.
[16] Hearing Document 2.
[17] Hearing Document 19.

39. The Appellant states[18] that the delivery of the WRR is in the hands of a third party, the Persimmon/Redrow Consortium (PRC) and that the Council is a party to the second deed of variation to a unilateral undertaking made under Section 106 of the Act[19] in relation to the planning application for Phase 1 of the Monkton Heathfield urban extension. The significance of this document is that it gives the owners at their absolute discretion up to ten years to complete the WRR. The Council has also removed the cap on the number of dwellings PRC can build without the completion of the WRR, from 651 to 900 dwellings on this phase. This indicates an acceptance by the Council that some latitude in the absence of the WRR is acceptable.

40. Despite the second deed of variation, it seems likely that the PRC will be keen to develop more than 900 dwellings on their land at Monkton Heathfield, and that it will be in their commercial interests to ensure the delivery of the WRR in the short term. From the evidence submitted and discussed at the Hearing, I consider that there is a realistic prospect of additional resources, either from the Council or the PRC, to construct the WRR in the short term.

41. However, the precise timing of the delivery of the WRR is unclear at this time, and the key question is whether the WRR is critical to the delivery of the full application without resulting in severe cumulative traffic impact.

Main Issue - Conclusion

42. From the first three considerations, all of which have as their context the lack of the WRR, I consider that the full proposal at Hartnell's Farm would not result in unacceptable congestion on the A3259; it would not significantly harm highway safety or ease of traffic movement; and the proposed sustainable transport measures would further reduce the traffic impact to a degree. Without the WRR, the evidence conclusively demonstrates that the cumulative traffic impact of the full proposal would not be severe, and as such it would not be contrary to national planning policy or the development plan.

Housing land supply

43. Although it is not my remit to consider whether the Council has a five year housing land supply, the amount of housing that the site could deliver within five years was contested between the main parties and is relevant.

44. The Council's Strategic Housing Land Availability Assessment (SHLAA)[20] estimates a delivery rate of 50 dpa at Hartnell's Farm from 2018/19, meaning the site has a build life of about 6-7 years. These figures could be optimistic, given that planning permission for the appeal site is in outline, with all the reserved matters still to be determined. However, a second developer has expressed an interest to work on the site[21], effectively giving it dual branding. I therefore consider that the figure of 50 dpa in the SHLAA is realistic. On this basis, it is reasonable to assume that the 150 dwelling cap, as required by condition (12) would not be breached until year 4, by which time it is likely that the WRR would be open to traffic. If the above scenario comes to fruition, the highways impact issue, as identified by the Council, is unlikely to happen.

[18] Hearing Document 14.
[19] Hearing Document 16.
[20] SHLAA, Taunton Urban Area Trajectory, site 48/13/0008OA Hartnell's Farm; dated March 2017
[21] Hearing Document 6.

The Planning Balance

45. The principal benefit of deleting condition (12) is the opportunity to bring forward the delivery of an additional 170 dwellings on the appeal site. If the entire complement of up to 320 dwellings were developed within 5 years, (which I consider to be possible but unlikely), the site would be able to contribute even more effectively to the Council's 5 year housing land supply, as required by paragraph 47 of *the Framework*. I have therefore given substantial weight to this consideration in determining the appeal.

46. The potential harm relates to whether the traffic impact generated by the additional 170 dwellings over the 150 dwelling cap would result in a severe cumulative impact on the local highway network, such that it would be contrary to national policy as set out in paragraph 32 [3] of *the Framework*. I find that:

    - Traffic generation could be absorbed by the highway network without undue congestion, in the context of peak flows on the A3259 that have declined over the period 2016-2017;
    - The proposed infrastructure improvements along the A3259 would enable the safe and convenient movement of traffic, both along the main road and for gaining access/egress to/from the surrounding areas;
    - The potential for modal shift to bus, cycle and pedestrian movement would further limit vehicular traffic increase on the A3259; and
    - It is reasonable to assume that the WRR would be completed and open to traffic in the near future and certainly within five years, by which time at a rate of 50 dpa, only about 250 out of the 320 dwellings at Hartnell's Farm would have been completed. However, even if the WRR's implementation is further delayed the development of the full proposal would not result in a severe cumulative impact on the A3259.

47. On the basis of my findings, I consider that the benefit of allowing the appeal outweighs the cumulative impact on the local highway network following the implementation of the proposed development, which, without the imposition of condition (12) would be less than 'severe'. As such there is no sound basis for placing a restriction on the number of dwellings to be built and occupied on the site prior to the opening of the WRR. Based on these considerations, Condition (12) becomes redundant.

Other conditions

48. At the Hearing, the main parties agreed that the remaining conditions attached to the original planning permission Ref 48/13/0008 were still appropriate and complied with the requirements set out in paragraph 206 of *the Framework*. Having read these conditions, I consider that they all comply with national policy and I shall impose all of them, with the exception of course of condition (12). In the event that some of these conditions may have been discharged, that is a matter which can be addressed by the parties.

Conclusion

49. Taking account of the above considerations, the disputed condition (12) is not justified, having regard to national policy and the development plan. For the reasons given above and having regard to all other matters raised, I conclude

that the appeal should be allowed and that condition (12) should be deleted. All the other conditions imposed on planning permission Ref 48/13/0008 are not at issue and are not changed by my decision.

Mike Fox

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Celina Colquhoun	Counsel
Jeremy Penfold	WSP
Tim Baker	Strategic Land Partnerships
Phil Jones	Turley

FOR THE LOCAL AUTHORITY:

Julie Moore	Taunton and Deane Borough Council
Helen Vittery	Somerset County Council
Lisa McCaffrey	Somerset County Council

INTERESTED PERSONS

Cllr Norman Cavill	West Monkton Parish Council
Barry Gage	Resident
Michael Plaister	Resident
Mrs Plaister	Resident
Jeanette Weston	Resident

DOCUMENTS SUBMITTED ON OR AFTER THE HEARING

1. Plan showing infrastructure improvements along the A3259 in the vicinity of Hartnell's Farm; submitted by Taunton Deane Borough Council (TDBC).
2. Plan showing location of the Western Relief Road (WRR), Eastern Relief Road (ERR), the A3259 and the Appeal Site; submitted by TDBC.
3. Statement of Common Ground (SCG) signed by the main parties, dated 20 December 2017 and 5 January 2018; joint submission.
4. Plan showing new housing, both built and committed/proposed at Monkton Heathfield, showing Persimmon/Redrow Consortium (PRC) developments as well as the appeal site; submitted by TDBC.
5. Unilateral Undertaking under Section 106 of the TCP Act 1990 relating to land at Hartnell's Farm, dated 4 January 2018; submitted by Appellant.
6. Situation update on the implementation of the WRR; submitted by TDBC, dated 2 February 2018.
7. Master Plan for Monkton Heathfield/Bathpool at 1:2,000 scale, dated 02/05/2016; submitted by Somerset County Council (SCC).
8. Report of Inspector to Secretary of State Ref APP/U1105/A/13/2208393 for land at Pinn Court Farm, Pinn Hill, Exeter, EX1 3TG, dated 20/03/2015; submitted by Appellant.

9. Appeal Decision Ref APP/Y1138/W/17/3172380 for land off Silver Street, Willand, Devon, dated 3 November 2017; submitted by Appellant.
10. Record of Attendance, Day 1, dated 9 January 2018.
11. Document of Clarification regarding points within Section 7 of SCG, dated 1 February 2018; submitted by SCC.
12. Plan Ref 1492-SK-04 Monkton Heathfield/Bathpool Overview, showing new housing, both built and committed/proposed at Monkton Heathfield; submitted by TDBC.
13. Supplementary Transport Statement (STS) of Evidence no 3 – 14 February 2018; submitted by WSP on behalf of Appellant.
14. E-mail from Turley addressing (i) housing land supply and delivery rates; (ii) timescale for construction of WRR; and (iii) comments on third party representations; submitted on behalf of Appellant, dated 30 January 2018.
15. Annex 1 to Turley letter (Document 14); submitted by David Wilson Homes on behalf of Appellant, dated 5 January 2018, concerning build out rates.
16. Second Deed of Variation between Persimmon Homes Ltd, Redrow Homes Ltd and Taunton Deane Borough Council in relation to a Unilateral Undertaking made under Section 106 of the Act, dated 18 April 2008; submitted by Appellant.
17. Third Deed of Variation between Persimmon Homes Ltd, Redrow Homes Ltd and Somerset County Council in relation to an Agreement made under Section 106 of the Act, dated 14 April 2008; submitted by Taunton Deane Borough Council.
18. Extract from Somerset Local Transport Plan, dated November 2011; submitted by SCC.
19. Appendices A and B of MOU between main parties on estimated costs associated with delivery of WRR and contributions to delivery of WRR, dated 2 February 2018; submitted by SCC.
20. E-mail from TDBC, commenting on Appellant's e-mail of 30 January 2018, dated 2 February 2018.
21. E-mail from SCC as lead local flood authority regarding flood risk, dated 24 January 2018.
22. Plan showing Phase 2 of Monkton Heathfield, dated 25 April 2017; submitted by TDBC.
23. Land at Hartnell's Farm, Monkton Heathfield-Schedule of housing numbers related to TDBC Plan; submitted by SLP.
24. Letter from Sarah Nicole to Cllr Cavill; submitted 21 February 2018 by Cllr Cavill.
25. Record of Attendance, Day 2, dated 21 February 2018.
26. Memorandum from SCC to PINS in response to Appellant's STS No 3 (Document 13), dated 26 February 2018.
27. WSP Response to SCC Memorandum dated 26 February 2018 (Document 26), dated 6 March 2018.

APPEALS RECEIVED – 04 April 2018

Site: ALLERFORD FARM, ALLERFORD ROAD, NORTON FITZWARREN, TAUNTON, TA4 1AL

Proposal: Alleged non-compliance with planning approval at Allerford Farm, Norton Fitzwarren

Appeal number: E/0162/27/16

Appeal reference: APP/D3315/C/17/3189840

Start Date: 07 March 2018