

Appeal Decisions 22 June 2016

Site: 6 MOOR LANE, CHURCHINFORD, TAUNTON, TA3 7RE
Proposal: CONSTRUCTION OF A DORMER TO THE REAR ELEVATION AT 6 MOOR LANE, CHURCHINFORD

Application number: 10/15/0024

Reasons for refusal

The proposed dormer window, by reason of its position, design and external appearance, would be out of keeping with the existing dwellinghouse and other nearby properties within the Area of Outstanding Natural Beauty and would detract from the visual amenities of the locality contrary to policy DM1d of the Taunton Deane Core Strategy, retained Local Plan policy H17(C) and draft policy D5 of the Site Allocations and Development Management Plan.

Appeal decision: DISMISSED

Site: 39A-A MANTLE STREET, WELLINGTON, TA21 8AX
Proposal: VARIATION OF CONDITION No. 2 (APPROVED PLANS) OF APPLICATION 43/12/0081 ON LAND TO THE REAR OF 39A MANTLE STREET, WELLINGTON AS AMENDED

Application number: 43/15/0082

Reasons for refusal

The development is considered to be unacceptably overbearing in relation to the neighbouring garden of 37 Mantle Street, detrimental to the amenity of that dwelling. It is, therefore, contrary to Policy DM1 of the Taunton Deane Core Strategy.

Appeal decision: Withdrawn

Site: LAND ADJOINING NORTH END FARM, NORTH END, CREECH ST MICHAEL, TAUNTON, TA3 5ED
Proposal: CHANGE OF USE OF LAND FOR THE SITING OF A MOBILE HOME ON LAND ADJOINING NORTH END FARM, NORTH END, CREECH ST MICHAEL

Application number: 14/15/0008

Reasons for refusal

The site lies in a countryside location, where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves an appropriate need, such as the need for affordable homes. Whilst the site adjoins the settlement limit, it is not considered that there are no other suitable sites within the rural centre itself, or that the need cannot be met by the affordable homes currently under construction within the village, or other affordable dwellings soon to be constructed in the adjacent Parish. The scheme therefore represents an unjustified dwelling outside of settlement limits that would set an undesirable precedent for future development. As such, the proposal is contrary to Policy DM2 (Development in the Countryside) of the Taunton Deane Core Strategy.

Appeal decision: Dismissed.



**The Planning
Inspectorate**

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TA1 1HE

Your Ref: 43/15/0082

Our Ref: APP/D3315/W/16/3147292

19 May 2016

Dear Ms Harcombe,

Town and Country Planning Act 1990

Appeal by Mr Roger Bird

Site Address: Land to the rear of 39A Mantle Street, Wellington, Somerset

I enclose for your information a copy of a letter received withdrawing the above appeal(s).

I confirm no further action will be taken.

We will continue to process the remaining appeal(s).

Yours sincerely,

Celia Stone

Celia Stone

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search

From: catherine.knee [mailto:catherine.knee@wyg.com]
Sent: 30 March 2016 13:29
To: POSTAL APPEALS
Cc: TeampNI
Subject: FW: Confirmation of Appeal APP/D3315/W/16/3147292

Dear Sir/Madam,

Please be advised that the appellant does not wish to proceed with this appeal, and will continue with the enforcement appeal ref: 3146712 only.

Please confirm receipt of this email.

Many thanks,
Catherine

Catherine Knee
Principal Planner

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Appeal Decision

Site visit made on 3 May 2016

by J J Evans BA (Hons) MA MRTPI

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

Decision date: 18 May 2016

Appeal Ref: APP/D3315/D/16/3144357
6 Moor Lane, Churchinford, Taunton TA3 7RE

- 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 Miss Selena Mitford against the decision of Taunton Deane Borough Council.
 - The application Ref 10/15/0024, dated 13 July 2015, was refused by notice dated 20 November 2015.
 - The development proposed is the addition of a gabled dormer to the rear roof, providing mezzanine storage for bedroom 3.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed gabled dormer on the character and appearance of 6 Moor Lane and the surrounding area, having particular regard to the location of the property in an Area of Outstanding Natural Beauty.

Reasons

3. 6 Moor Lane is positioned on a hillside close to the centre of Churchinford within an Area of Outstanding Natural Beauty (AONB). A distinct feature of the AONB's landscape is the remote positioning of the villages within it. Churchinford appears as an isolated settlement within the complex topography of steeply incised valleys separated by ridge tops. Fields and roads are bounded by hedgerows, and taken together with the woodlands that intersperse the farmland, there is an attractive verdant appearance to the landscape around the village.
 4. Comprising part of a small estate of similarly sized, aged and styled houses, No 6 is an end of terrace property set back from Moor Lane behind a shallow front garden, adjacent to a parking courtyard and garages. The rendered walls and plain tiled roof of No 6 are repeated on the other houses within the row. Apart from 3 Moor Lane, the houses have a symmetrical repeated pattern of windows and doors.
 5. Although constructed of materials to match those on the house, the size and positioning of the proposed dormer close to the eastern end of the row would disrupt the appearance of the rear of the terrace. Whilst there is local support
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- for the proposal, the dormer would nevertheless be an unbalanced addition to the row, the effect of which would be exaggerated by the proposed replacement window beneath. The dormer would be at odds with the symmetry of the voids and walls present in the appeal property and its neighbours.
6. When viewed from the side, the hip would replicate the profile of the roofscape, and as such would harmonise with this aspect of the terrace. However, the dormer would be a substantial addition to the roof. From the submitted drawings it is not clear whether the dormer's ridge would be level or just below the house ridge. Whichever is the case, the tall height of the dormer combined with the breach of the eaves would make it a large and disruptive addition to the roofscape that would have little of the subservience of form and size that is found in many of the dormers in nearby properties.
 7. Moreover the provision of high level windows and a rooflight would have a cluttered appearance that would appear discordant when compared with the form and pattern of fenestration on the houses. Whilst I note this has been proposed to restrict overlooking, there are already first floor windows that provide a view into neighbouring properties.
 8. Within AONBs there is a statutory duty to conserve and enhance the area's natural beauty. The National Planning Policy Framework (the Framework) requires great weight to be given to conserving the landscape and scenic beauty of AONBs. Natural beauty includes not just the landscape but also human settlement. The remote location of the villages is one of the special qualities of the AONB, and due to its position high up on the hillside views of Churchinford are apparent within the wider area.
 9. Although I have found the dormer would harm the character and appearance of the house and the terrace, it would not significantly harm the landscape and scenic beauty of the AONB. The dormer would be seen against the backdrop of the mix of historic and modern properties within the village and the variety of roof forms. The proposal would not unacceptably erode the qualities and beauty of the AONB as the dormer would be seen as part of the built up area of the village as a whole.
 10. Thus the proposed gabled dormer would unacceptably harm the character and appearance of 6 Moor Lane and the surrounding area, but would have a neutral impact on the landscape and scenic beauty of the AONB. It would therefore fail to accord with Policy DM 1 of the adopted Taunton Deane Core Strategy and Policy H17 of the Taunton Deane Local Plan (2004). These policies require, amongst other things, development that does not unacceptably harm the appearance and character of an area or the form and character of the host dwelling, reflecting an objective of the Framework that seeks to protect local character and distinctiveness.

Other Matters

11. The Council have referred to Policy D5 of the emerging Site Allocations and Development Management Plan. However, a copy of this policy was not provided with the appeal. From the evidence before me, I note it has not yet been adopted, and this tempers the weight that can be attached to it.

12. A nearby resident is concerned that the proposed dormer would affect levels of light into the rear gardens of the terrace. However, the proposed dormer would not project above the existing ridge line of the terrace, and when combined with the orientation of the houses, the degree of overshadowing would not be significantly greater than that which already occurs. This matter does not, however, outweigh my findings on the main issue.

Conclusion

13. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR

Appeal Decision

Site visit made on 11 April 2016

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 24 May 2016

Appeal Ref: APP/D3315/W/15/3138360

Land adjoining North End Farm, North End, Creech St Michael, Taunton TA3 5ED

- 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 John Hunt against the decision of Taunton Deane Borough Council.
 - The application Ref 14/15/0008, dated 17 March 2015, was refused by notice dated 10 July 2015.
 - The development proposed is the use of land for the stationing of a mobile home for a retired person.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appellant has submitted a planning obligation under Section 106 of the Town and Country Planning Act 1990 which makes provision for the proposed mobile home to be occupied solely by persons aged over 60 and who are unable to secure accommodation suitable to their needs in the open housing market within the parish and who satisfy other conditions relating to local connections. I shall refer to this in more detail below.

Main Issue

3. Whether the proposal would contribute to an unmet demand for affordable housing specifically for the elderly and whether that contribution would outweigh policies which aim to constrain residential development outside of defined settlement boundaries.

Reasons

4. The appeal site comprises a grassed field on the south side of North End, which, other than some small wooden buildings used for keeping poultry and a steel shipping container, is otherwise open. It lies outside of, but on the opposite side of the road from, the residential development boundary of the rural centre of Creech St Michael as defined in the Taunton Deane Core Strategy 2011-2028 (CS), adopted in September 2012.
 5. The appellant was born in the village, and lived much of his life there, only moving away in 2005. He has now retired and wishes to return to the village, where he has close relatives who can provide mutual support. It is argued that
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there is no affordable accessible accommodation within the village suitable for his needs. The proposal would be a "log-cabin" type mobile home which would provide affordable accommodation

6. CS Policy DM 2 deals with development outside of defined settlement limits and provides that specified uses will be supported, which includes affordable housing, provided no suitable site is available within the rural centre. There is no evidence of any search having been carried out of suitable sites within Creech St Michael. I agree with the Council that the onus is on the appellant to show that this criterion of the policy is met.

7. Moreover, there is no information before me as to whether the appellant satisfies the eligibility requirement for affordable housing. I have not been referred to any local definition of affordable housing, and therefore I have adopted the definition given in the National Planning Policy Framework (the Framework), which defines it as:

Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

8. In this case, I have been told nothing of the appellant's means, and whether he would meet the eligibility criterion. Moreover, the planning obligation does not tie the future occupation to persons who might meet the affordability criterion. I therefore consider that this proposal cannot be seen as providing affordable housing within the meaning given in the Framework.

9. Even so, it is still a plank of Government policy that all the housing needs of an area should be met including the needs of older people, who may have accessibility needs. The appellant says that there are no suitable, affordable properties within Creech St Michael, and therefore the full housing needs of the area are not being addressed.

10. The Council argues that there are properties which could be adapted to meet accessibility needs, including affordable housing in recent developments in the village and has referred to a few examples of low cost housing in and close to the village. Whilst some of these might not be located where the appellant would prefer for personal, social reasons, I consider that this is not a compelling reason to afford priority to the appeal site, especially taking into account the site's poor accessibility for the those with restricted mobility, to which I refer below.

11. Moreover, on my visit I noted that there were a considerable number of bungalows throughout the village, which are often popular with the elderly because of their ease of accessibility. I consider it likely that many would be suitable to be adapted without excessive cost so as to be accessible, and because of their ubiquity it is likely that many would appear on the market on a regular basis. Whilst I accept that the cost of adaptations may be beyond those who are in need of affordable housing, there is nothing to show that the appellant is not in a position to fund adaptations privately.

12. The appellant has provided information which shows that there are a significant number of elderly persons on the Council's housing waiting list. By virtue of

their being on the waiting list, these people are likely to be in need of affordable housing. However, the obligation offered by the appellant would not give them any priority, and as an unfettered open market dwelling, albeit only available to the elderly with local connections, there is no certainty that the mobile home would be available to meet their needs. In this regard, I note that the Council's Housing Development and Enabling team do not support the proposal as there would be no way of ensuring that the home was occupied by those with the greatest objectively assessed need.

13. I also consider that the site is not ideally located for occupation by anyone with reduced mobility. The Council points out that the site was rejected for consideration from the Strategic Housing Land Availability Assessment because "*it is relatively poorly related to facilities, and integration into the community would be difficult to achieve*". I saw on my visit that the services and facilities in the centre of the village are some distance away (700-800m or so), and the adjacent road lacks a footway to link to footways nearby to reach them. The access into the site is via a steep bank, which would also be difficult for anyone with mobility difficulties to negotiate on foot, and the need to walk along or cross North End where there is no footway would make the site less than ideal for anyone with mobility difficulties. This also militates against the suitability of the site for the intended use.
14. In conclusion, I consider that the proposal would not make a significant contribution to an unmet demand for affordable housing specifically for the elderly sufficient to outweigh the development plan policies which seek to constrain development in this location. It would therefore conflict with the Core Strategy Policy DM 2.

Other matters

15. I have had regard to other matters raised by local residents, including the effect of the proposal on the setting of a nearby listed building, North End Farm. However, I consider that the site of the proposed mobile home would be sufficiently far away to protect the setting of the listed building and the privacy of other nearby properties.
16. I have taken into consideration the Council's fears about precedent, but as each proposal has to be assessed on its individual merits, I do not find this to be a compelling argument against the proposal.

Conclusion

17. I conclude that for the reasons given above the proposal would conflict with the development plan as a whole and should be dismissed.

JP Roberts

INSPECTOR

APPEALS RECEIVED

Site: GARNSEY FARM, LOWER KNAPP LANE, KNAPP NORTH CURRY,
TAUNTON, TA3 6BQ

Proposal: PRIOR APPROVAL FOR PROPOSED CHANGE OF USE FROM
AGRICULTURAL BUILDING TO DWELLING HOUSE (USE CLASS 3) AND
ASSOCIATED BUILDING OPERATIONS AT GARNSEY FARM, LOWER KNAPP
LANE, KNAPP, NORTH CURRY

Application number: 24/15/0033

Appeal reference: APP/D3315/W/16/3148147

Site: KEDGET BARTON FARM, HOMEMEAD LANE, CHURCHSTANTON,
TAUNTON, TA3 7RN

Proposal: APPLICATION FOR THE RETENTION OF THE LAWFUL USE OF A
DWELLING (USE CLASS C3) (NOT TIED TO EITHER AN AGRICULTURAL
AND/OR EQUINE RELATED OCCUPANCY OR SIMILAR) AT KEDGET BARTON
FARM, CHURCHSTANTON

Application number: 10/14/0034LE

Appeal reference: APP/D3315/X/16/3150659

Enforcement Appeal

Site: FAIRFIELD STABLES, MOOR LANE, CHURCHINFORD, TAUNTON, TA3
7RW

Alleged breach of planning control: UNAUTHORISED SITING OF MOBILE HOME
AND CHAGE OF USE OF STABLE TO RESIDENTIAL OCCUPATION AT
FAIRFIELD STABLES, MOOR LANE, CHURCHINFORD

Reference number: E/0196/10/15

Appeal reference: APP/D3315/C/16/3149290
