

APPEAL DECISIONS FOR COMMITTEE AGENDA – 26 FEBRUARY 2014

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	INSPECTOR'S REMARKS
APP/D3315/A/13/2203860	CARAVAN AND MOBILE HOME ON SITE AFTER EXPIRY OF TEMPORARY PLANNING PERMISSION AT MILL FIELD, MINEHEAD ROAD, BISHOPS LYDEARD	<p>The site is located adjacent to but outside the settlement limit for Bishops Lydeard. There is therefore a presumption against granting planning permission in accordance with Policy CP8 (Environment) of the Taunton Deane Core Strategy which seeks to control development outside of settlement limits.</p> <p>It is considered that there is no clearly established existing functional need for a worker to be readily available at most times at the game bird and pheasant rearing business at the site. There is therefore no essential need for a rural worker to live permanently at the site in accordance with paragraph 55 of the National Planning Policy Framework (promoting sustainable development in rural areas). The mobile home and the touring</p>	E/0055/06/13	<p>The Inspector found that, even though the Council granted a temporary planning permission and 'the Framework' seeks to support a prosperous rural economy, the evidence does not show an essential need for a rural worker to live permanently on the appeal site. Furthermore the development conflicts with the countryside and landscape protection aims of CS Policies DM1, DM2 and CP8. Therefore ground (a) does not succeed.</p> <p>With regard to ground (f) the Inspector did not find the requirements of the enforcement notice to be excessive and, once the requirements of the notice have been complied with, there would be no interference with separate rights to site a caravan and use it as allowed under the Town and Country Planning (General Permitted Development)</p>

		<p>caravan represent unjustified dwellings outside the defined settlement limits the cumulative impact of which would lead to unplanned sporadic extension of settlements. This is detrimental to the character and appearance of the countryside and collectively increases the need to travel by private motor vehicle in order to access day to day services. This is contrary to Policies SP1 (Sustainable Development Locations), CP8 (Environment), DM1 (General Requirements) and DM2 (Development in the Countryside) of the Taunton Deane Core Strategy.</p> <p>The Council does not consider that planning permission should be given because planning conditions could not overcome these objections.</p>		<p>Order 1995 or if a caravan was to be used in association with use of the land.</p> <p>With regard to ground (g) he found a more reasonable and proportionate response to the breach of planning control would be to extend the compliance period to 7 months. Subject to this variation the appeal is DISMISSED and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under s177(5) of the 1990 Act.</p>
APP/D3315/A/13/2 205631	<p>OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE ERECTION OF A DWELLING IN THE GARDEN OF DENE</p>	<p>The site is located in open countryside outside of the defined settlement boundary of Wiveliscombe. As such the development would increase the reliance of the private motorcar and foster a growth in the need to</p>	49/13/0004	<p>The Inspector considered the main issues to be (a) whether the proposed development accords with prevailing planning policies concerning the location of new housing development, (b) its effect on the character and appearance</p>

	VIEW, WEST ROAD, WIVELISCOMBE	<p>travel.</p> <p>The proposed siting of the dwelling located outside of the defined built up area of Wiveliscombe would be detrimental to the rural character and appearance of the landscape. The proposed scheme seeks a new access onto a County Route to serve a residential development sited outside of the defined settlement boundary. The Local Planning Authority considers that no overriding special need or benefit has been demonstrated to derive access from a County Route.</p> <p>The proposals fail to demonstrate that the necessary visibility splays required in order to provide a safe access point onto the B3227 can be achieved. The proposals are therefore</p>	<p>of the area and (c) whether sustainable transport opportunities would be available to serve the development, including safe access for all highway users.</p> <p><i>Character and appearance</i></p> <p>Taking all factors into account, the Inspector found the proposed dwelling would appear as an intrusion into an open rural landscape, with unacceptable visual harm to conflict with Policy DM1(d) and would not recognise the intrinsic character and beauty of the countryside.</p> <p><i>Sustainable transport and safe access</i></p> <p>Having considered the factors regarding the above, the Inspector found that safe access would not be available to all highway users associated with the proposed development and that, in spite of other advantages, sustainable transport opportunities would not be available in this case.</p> <p>Having taken all other matters into account, the Inspector found nothing to outweigh conclusions on the main issues and DISMISSED the appeal.</p>
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APP/D3315/C/13/2 198722	OCCUPIED MOBILE HOME AT POND COTTAGE, FITZHEAD ROAD, FITZHEAD	<p>It is considered that the unauthorised use of the Site for residential purposes is not acceptable within this open countryside location where it is the policy of the Local Planning Authority that new housing development should be strictly controlled. The detrimental impact of the mobile home and the domestic paraphernalia within its vicinity, is considered to detract from the character and appearance of the surrounding landscape.</p> <p>The Site is detached from the settlement area of Fitzhead, which is considered to be an unsustainable rural village. It lacks provision of adequate services such as education, health, retail and leisure services that are generally required for day to day living. As a result of the lack of adequate services, the occupants of the mobile home are likely to be reliant on the use of private transport to access such services, especially as there are very limited public transport facilities to serve the village of Fitzhead.</p>	E/0172/17/12	ENFORCEMENT NOTICE WITHDRAWN NO FURTHER ACTION INQUIRY CANCELLED
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		<p>The fostering of growth by the need to travel by private motor vehicles is contrary to Policies STR1 (Sustainable Development) and STR6 (Development Outside Towns, Rural Centres and Villages) of the Somerset and Exmoor National Park Joint Structure Plan Review. It is contrary to Policy CP6 of the adopted Taunton Deane Core Strategy which provides that development should contribute to the reduction in the need to travel.</p> <p>In summary, this unauthorised residential use of the Site is considered to be detrimental to the environment and is not considered to represent a sustainable form of development.</p> <p>It is contrary to Policies SP1 (Sustainable Development Locations), CP1 (Climate Change), CP4 (Housing), CP6 (Transport), CP8 (Environment), DM1 (General Requirements and DM2 (Development in the Countryside) of the adopted Taunton Deane Core Strategy</p>		
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		<p>It is contrary to Policies STR1 (Sustainable Development) and STR6 (Development Outside Towns, Rural Centres and Villages) of the Somerset and Exmoor National Park Joint Structure Plan Review.</p> <p>It is also contrary to guidance contained at Paragraph 55 within the National Planning Policy Framework (promoting sustainable development in rural areas).</p> <p>The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections.</p>		
APP/D3315/A/13/2203242	ERECTION OF 16,632 SOLAR PV PANELS GENERATING UP TO 4.16MW AT GLEBE FARM, TOLLAND (RESUBMISSION OF 41/12/0005)	The proposed development by reason of its scale, form and siting would have a significant detrimental visual impact on the landscape character of the area. The installation would appear as a large stark industrial feature in an otherwise gently rolling landscape at odds with the scattered, small	41/13/0001	<p><i>Character and appearance</i></p> <p>The Inspector concluded the proposed development would cause substantial damage to the character of the landscape and would give rise to significant adverse visual impacts. In her judgement, these harmful effects could not be adequately mitigated</p>

		<p>scale and highly dispersed rural development in the area. This incongruous proposal would be highly visible from a large number of sensitive receptors which combine to make the development a very dominant feature in the local landscape. As such, it is considered that the open landscape character of the area and natural environment would be harmed and the impact on the local community is not outweighed by the wider environmental benefits that may be realised by the proposal.</p> <p>The application has not satisfactorily demonstrated that the development can satisfactorily mitigate the risks of off site flooding.</p>	<p>by the provision of screen planting, or by the imposition of conditions. The Inspector found the scheme would conflict with the objectives of Policy CP1 and the aims of Policy CP8.</p> <p><i>Drainage</i></p> <p>The Inspector agreed with the Environment Agency that there is no certainty, on the basis of the evidence provided, that appropriate flood risk management and drainage measures can be achieved within the proposal. She therefore concluded the proposed development would conflict with the terms of Policy CP8.</p> <p><i>Whether the impacts of the proposal are, or can be made, acceptable</i></p> <p>Placing all considerations in the balance, the Inspector found the benefits of the proposed development carry significant weight in its favour. However, that weight is not sufficient to overcome the serious harm that would be caused to the character of the landscape, and the adverse visual impacts for users of the public footpaths which were identified. In her judgement these adverse</p>
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				impacts of the scheme are not acceptable and could not be made acceptable and the appeal was DISMISSED.
APP/D3315/D/14/2 211430	ERECTION OF A SINGLE STOREY REAR EXTENSION TO 3 HEARNE BARTON, WESTWOOD, BISHOPS LYDEARD	The existing building is of traditional linear character, forming part of an attractive courtyard of former rural barns that contribute to the rural landscape. The proposed extension, by virtue of its size, scale and design, appears as an incongruous addition, detracting from the simple linear form of the traditional building, to the detriment of its historic character and the part it plays in the rural appearance of the Quantock Hills Area of Outstanding Natural Beauty.	45/13/0015	The Inspector concluded the appeal scheme would have a harmful effect on the character and appearance of the existing building and of its surroundings. This would be in conflict with Policies DM1 and CP8 of the Taunton Deane Core Strategy 2011-2028 and Policy H17 of the Taunton Deane Local Plan 2004. The thrust of these policies insofar as they apply to the appeal proposal is the safeguarding of the existing environment through high quality development. This is supported by the objectives of Section 7: 'Requiring Good Design' of the NPPF. The appeal was DISMISSED.

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