

APPEALS RECEIVED : FOR COMMITTEE AGENDA : 11 January 2013

Proposal	Start Date	Application/Enforcement Number
ERECTION OF 3 NO. DWELLINGS WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING AT STATION FARM, STATION ROAD, BISHOPS LYDEARD	07 DECEMBER 2012	06/12/0007
ERECTION OF 5 NO. DWELLINGS WITH ASSOCIATED GARAGES AND PARKING, LANDSCAPING, AND PROVISION OF OPEN SPACE, AT STATION FARM, STATION ROAD, BISHOPS LYDEARD	07 DECEMBER 2012	06/12/0036

APPEAL DECISION FOR COMMITTEE AGENDA – 11 JANUARY 2013

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	
APP/D3315/C/12/218075 2	LAND USED FOR STORAGE OF BUILDERS MATERIALS, PITMINSTER	<p>It appears to the Council that the above breach of planning control has occurred within the last ten years.</p> <p>The Land is situated in a remote location within the countryside and within Flood Zone 3. On sustainability grounds the countryside location is not considered to be appropriate for the storage of building materials.</p> <p>The storage of building materials on the Land is an incongruous feature detrimental to the character of the surrounding rural landscape.</p> <p>The unauthorised use is contrary to Policies S1 (General Requirements), S7 (Outside Settlement Limits), EN12 (Landscape Character Areas) and EN28 (Development and Flood Risk) of the Taunton</p>	E/0163/30/10	<p>The Inspector found the site to be evident from both the road and the public footpath and concluded that the development harms the character and appearance of the area. He further concluded that this is not a sustainable location for a builder's yard in circumstances where the Appellant has provided no evidence that there is no suitable site available in or adjacent to a Rural Centre. On the third main issue the Inspector concluded the development should not be permitted because it would be located in the functional floodplain, thereby giving rise to risks to the safety of persons on the site, as well as exacerbating flood risk elsewhere. He therefore concluded the appeal should be DISMISSED with a minor change to the wording of the enforcement notice.</p>

<p>APP/D3315/C/12/218026 2</p>	<p>UNAUTHORISED WORKS AT CAFE MAMBO, MILL LANE, TAUNTON</p>	<p>The land falls within the Taunton Castle Scheduled Monument and Castle Conservation Area. Part of the unauthorised timber buildings screen boundary railings which are linked to the listing of the building known as Ina Cottage. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. In this instance the unauthorised timber buildings are considered to detract from the setting of the listed building and would not have been recommended for permission if an application was made.</p> <p>The unauthorised timber structures are considered to</p>	<p>E/0181/0033/38/ 12</p>	<p>The Inspector considered that the appeal development does not accord with the design and conservation aims of Policies DM1 and CP8 from the Core Strategy and Policy 9 from the Somerset and Exmoor National Park Joint Structure Plan Review. Significant weight is attached to Policy 9 from the Structure Plan as it is consistent with the heritage asset protection aims of the NPPF.</p> <p>The Inspector therefore directed that the appeal should FAIL and the enforcement notice be corrected by: deleting the attached plan and replacing it with the one attached to the appeal decision; changing the words 'position' which appear twice under section 3, to 'positions'. Subject to these corrections, the appeal was DISMISSED, the enforcement notice upheld and planning permission refused on the application deemed to have been made under S177(5) of the 1990 Act.</p>
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		<p>detract from the character and setting of the listed building and the character of the conservation area and ancient monument. The external lighting adversely affects bat habitat.</p> <p>The works are considered to be contrary to the National Planning Policy Framework; Local Plan Policies S1 (D) (General Requirements); S2 (A) (Design) and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review (The Built Historic Environment) and Policies CP8 (Environment) and DM1 (General Requirements) of the Taunton Deane Core Strategy 2011-2028.</p>		
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APP/D3315/A/2170249	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH ANCILLARY RETAIL UNITS TOGETHER WITH LANDSCAPING AND MEANS OF ACCESS AT LAND WEST OF MILVERTON ROAD, WELLINGTON (LANGFORD BUDVILLE PARISH)		21/11/0004	.See attached document by Case Officer.
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Appeal: 21/11/0004 – **DISMISSED**

Site: Land at Fox's Meadow, to the north of the settlement boundary of Wellington.

Proposal

The outline application proposed residential development (244 dwellings) with ancillary retail provision together with landscaping and means of a signalised access. The proposal also included off site highway works in the form of a shuttle system to facilitate the provision of a footway connection from the site to the town centre.

Housing land supply

The Inspector found the Council has a five year supply, albeit marginally. Crucially the Inspector endorsed the approach taken through the SHLAA to the robust assessment of sites, taking issue only with one part of it - a site at Longrun. The Inspector did not consider the implications of the 5 or 20% issue; he agreed that the buffer is applied in a plan-making rather than development management context. Similarly, he rejected the notion that shortfall to date need necessarily be met up front within five year, arguing that this is a matter for the Council to decide, based upon local circumstances.

Notwithstanding the above, the Inspector considered it necessary to assess whether or not, if a 5yr supply could not be demonstrated, the scheme should find favour. The fact that he has done this is very important since it illustrates that in a situation where land supply continues to be marginal, an arbitrary refusal on the basis that land simply isn't needed would not be appropriate.

Development Plan

With regards to the Development Plan, critically, as the Inspector found the Council to have a five year supply, he found the plan up-to-date and placed full weight on all its policies. To this end, the proposal was counter to a number of the policies including CP1 Climate Change, CP6 Accessibility and CP8 Environment.

Spatial Vision

The Inspector attached considerable weight to the 'Spatial Vision' for Wellington as articulated in the Core Strategy, Policy SP3. The 'Spatial Vision' was defined in collaboration with the community and recognises the River Tone as a natural boundary to long-term development to the north of the town.

Character and appearance of the landscape

The Inspector identified that there would be some harm to the character and appearance of the area and the wider landscape. The new road junction would also conflict with Policy W14. However, he considered that given the lack of specific landscape designation, the relative restricted views of the site, and the limited length of

impact of the new road junction, only moderate weight should be given to the harm that would be caused.

Highway Safety

The Inspector concluded that a technical solution was available to deliver the off site highway works.

Heritage

The Inspector accepted that residential development would affect the setting of the listed buildings. However, he went on to acknowledge that the site is of national importance for its surviving machinery. As such the 'significance' of the building's setting is as a result of its position on the river not the wider landscape.

Accessibility

In considering the proposal against the Framework (i.e. on the premise that there was not a five year supply), the Inspector agreed with the Council that given the distance from the town centre, services and facilities, it was unlikely that residential development was or 'could be made' sustainable at the appeal site. He concluded that the travel plan was unrealistic and would not achieve a modal shift that reduced reliance on the private car. It would also therefore perform poorly in meeting the challenge of climate change.

Design

The Inspector considered that the appeal site would be an isolated housing estate tenuously linked to the north of the town. Without any meaningful connections, other than the single entry point, the proposals would be poorly integrated into the fabric of the built environment area.

Conclusion

The Inspector concluded the proposals would not amount to sustainable development.