

## APPEALS RECEIVED : FOR COMMITTEE AGENDA : 25 May 2011

Proposal	Start Date	Application/Enforcement Number
CHANGE OF USE OF LAND TO DOMESTIC, CONSTRUCTION OF SWIMMING POOL WITH ASSOCIATED POOL HOUSE AND WORKS AT COURT PLACE LODGE, ASHBITTLE	29 MARCH 2011	01/10/0003
CHANGE OF USE OF PART OF LAND TO STORE 2 NO. MOBILE TRAILERS AT 31 SHOREDITCH ROAD, TAUNTON (RETROSPECTIVE)	26 APRIL 2011	38/10/0318
VARIATION OF S106 FOR APPLICATION 48/93/0001 TO PERMIT A WIDER RANGE OF GOODS TO FACILITATE BOOTS' OPERATIONS FROM THE UNIT CURRENTLY OCCUPIED BY ROSEBY'S AT DEANE RETAIL PARK, HANKRIDGE WAY, TAUNTON	28 APRIL 2011	48/10/0055 VSC
FORMATION OF VEHICULAR ACCESS AT THREE CHIMNEYS, BRADFORD ON TONE	04 MAY 2011	07/10/0031
ERECTION OF FIRST FLOOR EXTENSION WITH ROOF ALTERATIONS AND DORMER WINDOWS TO FRONT ELEVATION AND REPOSITIONING OF CONSERVATORY AT HAM ORCHARD, HAM, CREECH ST MICHAEL	06 MAY 2011	14/10/0034

**APPEAL DECISION FOR COMMITTEE AGENDA – 25 May 2011**

<b>APPEAL</b>	<b>PROPOSAL</b>	<b>REASON(S) FOR INITIAL DECISION</b>	<b>APPLICATION NUMBER</b>	<b>DECISION</b>
APP/D3315/A/10/2140103/NWF	DEVELOPMENT OF 11 HA OF LAND TO PROVIDE IN THE REGION OF 233 DWELLINGS, RECREATION AND PLAY AREAS, A PUBLIC HOUSE/RESTAURANT AND CAR PARKING ON LAND AT MAIDENBROOK FARM, WEST MONKTON	Appeal against non-determination.	48/09/0054	The inspector concluded that the loss of Green Wedge land, which would effectively reduce the gap between the edge of Taunton and Monkton Heathfield by over a half would cause such harm that the development should not go ahead despite the contribution any scheme would make towards the Councils five year housing supply ...

**APPEAL DECISION ATTACHED**

The decision represents a clear expression of the need of all development proposals to demonstrate that they are environmentally sustainable and that despite some doubts over land supply, applications that conflict with the statutory Development Plan for the Borough will not necessarily be supported by the government on appeal.

**TDLP** = Taunton Deane Local Plan **SENP** = Somerset & Exmoor National Park



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# Appeal Decision

Inquiry held on 16 to 18, 24 and 25 February 2011

Site visit made on 24 February 2011

**by B J Juniper BSc, DipTP, MRTPI**

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

**Decision date: 13 May 2011**

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## **Appeal Ref: APP/D3315/A/10/2140103**

### **Land at Maidenbrook Farm, Taunton**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Tarker Ltd against Taunton Deane Borough Council.
  - The application Ref 48/09/0054/OUT, is dated 18 December 2009.
  - The development proposed is of 11ha of land to provide in the region of 233 dwellings, recreation and play areas, a public house/restaurant and car parking.
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### **Decision**

1. I dismiss the appeal.

### **Procedural Matters**

2. The application was made in outline with all matters except means of access reserved for subsequent approval. The appeal included the names of both Tarker Ltd and Mr Stuart Drysdale. It was made clear at the opening of the Inquiry that the appellants were effectively Tarker Ltd of which Mr Drysdale was a representative.
3. At the inquiry a revised site plan numbered 1611 07K was tabled, including marginally altered boundaries. I have used this drawing in reaching my decision on the appeal and I do not consider that the interests of any party have been prejudiced by my having done so.
4. An agreement prepared under S106 of the Act concerning contributions to education, highways and sustainable transport initiatives and dated 25 February 2011 was submitted at the Inquiry. In addition three unilateral obligations, also dated 25 February 2011, were produced, dealing respectively with affordable housing, land management and a travel plan. I have taken all these documents into account in arriving at my decision.

### **Main Issues**

5. Although the appeal was submitted against the non-determination of the application, the Council considered the proposal and resolved that it would have refused it for nine reasons. Some of those have subsequently been resolved either through discussions or by virtue of the agreements and undertakings outlined above. Consequently I consider that the main issues are:
  - (a) The effect of the proposal on habitat protection, protected species and biodiversity;

- (b) The effect of the proposal on the character and appearance of the area;
- (c) Whether there is a five year supply of deliverable housing land; and
- (d) Whether there are any other material considerations which would justify a departure from the development plan.

## **Reasons**

### *Nature Conservation*

6. Ecological survey information has identified the presence on the appeal site from time to time of lesser horseshoe bats (LHBs), albeit in relatively small numbers. The Council was of the view that these bats probably originated from roosts in a complex of buildings at Hestercombe House, some two miles or so to the north, which is designated as a Special Area of Conservation (SAC) and it was concerned that the proposal would harm the SAC by adversely affecting part of the foraging area for the bats. Annual monitoring of the size of the colony at Hestercombe reveals that it has been in decline for a number of years against a background of generally increasing populations in south-west England as a whole. Applying the precautionary principle, the Council therefore advocated a 'belt and braces' approach because it was not convinced that the proposal would not adversely affect the colony or that satisfactory mitigation of the effects of the development could be provided as part of the development.
7. The presence of LHBs on and around the appeal site had been established by a series of surveys taken in every year between 2005 and 2010 save for 2006 using a combination of walked transects and fixed electronic bat detectors. The LHB emits ultrasonic echolocation calls at a distinctive frequency which can be distinguished from other types of bat and there was no dispute about their presence on the site. The Council, however, was of the view that the survey methodology had been inadequate because the observations by field surveyors were taken over too short a period and the bat detectors were wrongly used.
8. On the former point, I accept that the majority of the walked transects were carried out before midnight. Nevertheless, evidence was produced to establish that the prime feeding time for LHBs is the 2½ hours after sunset<sup>1</sup> and I also note that the work carried out in connection with the proposed development at Nerrols Farm nearby (and somewhat closer to Hestercombe) was not criticised by the Council, despite being carried out on a similar basis.
9. On the latter point, the use of bat detectors was the subject of considerable discussion at the Inquiry. The LHB forages along hedgerows and can be detected from its echolocation calls in flight. The surveys used a proprietary device called an 'Anabat' and the parties accepted that this was an appropriate technology. The Council's objection was to the alignment of the detectors which it considered should have been sited parallel to and each side of the hedges, rather than being placed within the hedge pointing outwards to one side, a technique which it alleged led to significant under-recording of bat movements.
10. However, no evidence was produced to suggest that the latter technique was more likely to produce accurate results. I note that, whilst the Anabat is to some extent a directional device in that it records calls at a greater distance if they are sourced directly in front of the detector, it does pick up sounds from a wider

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<sup>1</sup> Study by Tessa Knight in Document I10 at p94

angle within 2-3m and the LHB almost invariably flies within about 1m of a hedge when foraging in such territory<sup>2</sup>. Given also that the animal does not simply fly parallel to the hedge but wheels around in its search for prey, it would be likely to register on the detectors at some point in its flight. I judge that the use of the Anabat devices in the various surveys at Maidenbrook Farm was not technically inadequate and that the results can therefore be relied upon.

11. Even if the data underestimated the number of LHBs using the area, it is also necessary to consider the importance of Maidenbrook Farm to the wider foraging area necessary to support the colony. In general terms it is accepted that LHBs prefer to forage in woodland areas within 2.5km of the maternal roost site and there are significant wooded areas to the north and west of the SAC. However, there is plenty of evidence to establish that they also forage along hedgerows of the type present on the appeal site and in much of the area between there and Hestercombe House. Radio tracking surveys carried out at Hestercombe reveal that 72% of bats leaving the roost appeared to go south to forage.
12. Nonetheless, it is also accepted that the animal does not readily cross gaps in hedgerows of more than 5m or so, and is strongly averse to significant light sources. One route by which the bats reach Maidenbrook is via the Allen's Brook culvert under the A3259 but the Council also suggested that the grouping of trees and hedgerows around Tudor Park, at the north western corner of the site, taken together with a gap in the street lighting, might provide an alternative access. I looked at this area in both daylight and after dark and I have to say that I did not find the Council's argument convincing. The trees and hedgerows by no means form a continuous route that the LHBs would find attractive and, notwithstanding the short gap in street lighting along the A3259, there is a noticeable amount of other stray light from the dwellings and other buildings in the area.
13. The Council pointed to evidence from faecal analysis that Hestercombe LHBs have a higher proportion of mosquitoes in their diet and noted that the Allen's Brook and the Bridgwater and Taunton Canal which bound the site to the east and south respectively would be a prime source of such food. However, there is a significant area of standing water much closer to Hestercombe House in the form of a landscaped lake and I do not consider that much can be inferred from the dietary information in terms of the relative importance of the appeal site and its environs to the foraging area as a whole.
14. I have also taken into account the prospects for mitigation measures to be introduced. The appellants control almost the whole of the land between Allen's Brook and the existing urban edge formed by the houses around Waterleaze. The illustrative plan shows much of the existing hedgerow to be removed but the appellants properly pointed out that the layout could be adapted to retain significant and connected lengths of hedgerow on land to the east. Whilst there was a difference of opinion between the witnesses as to the extent of planting and other measures required to achieve appropriate mitigation, the Council accepted that this was possible in principle. Further, the appellants offered under the terms of one of the unilateral undertakings to transfer land to the east of the area of the site they intended to develop, together with a commuted sum, so that it could be managed in a way that was sympathetic to wildlife interests. The land concerned is closest to the established route by which LHBs are known to reach Maidenbrook Farm, i.e. the culvert under the A3259, and whilst eventually a

<sup>2</sup> Study by Grégory Motte and Roland Libois in Document I18 at p51, col 1

second culvert under the proposed western by-pass for West Monkton would be required, this still seems to me to be the most promising area where mitigation could be achieved.

15. It was established at the inquiry that there had been recent changes to the agricultural management of the appeal site which would be likely to have reduced insect populations and thus to which the reduction in the number of LHBs recorded in 2010 could, at least in part, be attributed. The mitigation possible on the remaining land could compensate for this to an extent although I accept that there would still be a reduction of about two thirds in the foraging area available. However, I am far from convinced that the overall decline in the LHB population in the SAC can be attributed to changes in the Maidenbrook area. In particular I saw that there have been extensive changes to the management regimes in the immediate vicinity of Hestercombe House. Over the last two decades or so there has been a great deal of clearance of vegetation which would have provided cover for LHBs exiting the roost, in many cases opening up gaps which are rather larger than those which the evidence at the Inquiry suggested were typically accepted by the species. The appellants commented on the apparent lack of action by the public authorities to control these changes but that is not a matter before me. I am satisfied, however, that the changes at Hestercombe House are much more likely to have had an effect on the roost than the changes proposed for the appeal site given that it is at the margins of the normal foraging range of the LHB.
16. I therefore conclude that the appeal proposal would not be likely to have a significant effect on the Hestercombe House SAC either on its own or in combination with other projects. It is thus unnecessary for me to make an appropriate assessment under the Conservation of Habitats and Species Regulations 2010 (and Article 6(3) of the Habitats Directive (92/43/EEC)). It follows that the scheme would not conflict with the requirement in Policy 1 of the Somerset and Exmoor National Park Joint Structure Plan Review (SP) that biodiversity should be maintained and enhanced.

#### *Character and Appearance*

17. The site is designated as part of a Green Wedge in Policy EN13 of the Taunton Deane Local Plan. It occupies the whole of the area between Tudor Park and the recent housing development accessed by Waterleaze and the western limit of the ribbon development along the A3259 in West Monkton. The illustrative plan shows built development occupying something over half of the area, leaving a narrower open strip on the eastern side. Whilst the exact boundaries of the housing element are not before me, the scale of the proposal envisaged in the description of the scheme ('in the region of 233 dwellings') would clearly require a substantial proportion of the appellants' land to be developed.
18. In terms of the formal analysis of the landscape impact of the scheme, there was a measure of agreement between the evidence presented by the principal parties, the key difference being the width of open area which would be sufficient to comprise an effective Green Wedge. The Council felt that it could not be reduced significantly below the present distance, about 340m along the northern edge, whilst the appellants argued that a properly landscaped area along the eastern side would still serve the purpose envisaged in the development plan in a much narrower area. In practice, a judgement has to be made about the perception of the area of those travelling past it, whether in vehicles, on cycles or on foot.

19. The principal viewpoints are obtained along the northern edge of the site where the A3259 forms a well defined boundary. At present there is a clear transition at Allen's Brook where the ribbon development in West Monkton ends abruptly and the road is then flanked by hedgerows. There is a cycleway on the south side of the A3259 but this is relatively inconspicuous and its lighting columns, which are only about 5m high, do not to my mind intrude unduly into the landscape. Even to the west of Tudor Park the group of buildings around the former farmstead at Maidenbrook appears distinctly rural and the trees and fields on the north of the road help retain that appearance well to the west of the appeal site. The development would result in an access point being formed about mid-way between Tudor Park and West Monkton and, whilst I acknowledge that this boundary of the site could be landscaped, it is unlikely that the present open feel would be retained. Walkers, cyclists and motorists would all experience a much reduced open gap between the settlements. In coming to this view I am conscious that the proposed western bypass for West Monkton would affect the eastern part of the Green Wedge to a degree, including the removal of the existing hedgerow, but there is no reason why replacement landscaping could not be effective. Indeed, the present hedgerow itself was planted relatively recently and is now an effective landscape feature.
20. To the south of the site there are hard-surfaced routes on either side of the canal, lit by street lamps and evidently well used by cyclists and pedestrians. The path on the northern side runs round a small boatyard with moorings and some modest buildings and then passes between the canal and a large electricity pylon. Nevertheless, the view into the site from this path is of large open field and I was not convinced that the reduction of the open length of the field by some 50% would result in an effective gap. Looking north from the path the gap would be further narrowed to only 70m or so in the vicinity of Aginghills Farm and it is hard to conceive of landscaping or other measures which would give the perception of a substantial gap between the settlements.
21. On the west side public access to the boundaries of the site is limited save for the large playing field to the north-east of Waterleaze. This area is bounded by a comparatively narrow hedge and to my mind contributes significantly to the openness of the Green Wedge. From the A3259 and the land further to the north the upper parts of the houses at the southern end of Waterleaze can be seen above the hedgerows, but the proposal would surround the playing field with built development and I consider that this would emphasise the urbanising effect of the scheme.
22. There is a largely unsurfaced public footpath along the Allens Brook and views into the site are available from this, particularly from its northern end. As the area immediately to the west of this would remain undeveloped, the impact of the proposal on this side of the Green Wedge would not be so pronounced, but at present relatively little of the edge of Taunton can be seen from this direction so there would still be an appreciable change to the largely rural view which presents itself currently.
23. The proposal would also have an impact in views from areas beyond the immediate vicinity of the site, notably from the north and south. The Quantock Hills rise gently to the north and the site can be seen from the vicinity of Volis Farm, although only at a considerable distance, and I judge that the proposal would not significantly alter this view as the present houses at the southern end of Waterleaze already appear close to the dwellings beyond the canal around

Acacia Avenue and the industrial buildings of the Crown Estate are quite prominent. I also looked northwards from Creech Barrow Hill but from publicly accessible viewpoints the site is largely obscured by trees and the green wedge is not especially prominent. However, there is a large open area to the south of the canal on the former Priorswood landfill site much of which is intended to be laid out as a country park and which forms a southerly extension of the green wedge. Although the southern part of Waterleaze is also a significant feature in the view from this area, the openness of the undeveloped area is an attractive feature of the landscape and forms a foreground to more distant views of the Quantocks. The scheme would appreciably close the present open gap and I give this viewpoint significant weight as it will have public access close to the town and is likely to be well used.

24. Although no detailed proposals have been put forward, the Council's intention for the appeal site is for playing field and other open uses and I acknowledge that these in themselves would have some impact on the Green Wedge. However, there was no evidence that significant built development, such as grandstands or enclosed sports facilities, is being promoted by the Council. I also acknowledge that the management of the undeveloped land which would remain on the east side of the site could be carried out in such a way as to achieve improvements to the existing footpath route and aid the implementation of the Council's Green Infrastructure Strategy and I have weighed these factors in the balance.
25. The depiction of land as a Green Wedge in the development plan is not intended to prevent development being carried out on any part of the designated land and the Council acknowledges that some areas within the existing Green Wedges will need to be developed to meet housing and other needs. Indeed, the development now being considered by the Council at Nerrols Farm to the north of the appeal site is a case in point. However, the purpose of the designation is essentially to prevent the coalescence of settlements which it is desirable to keep separate for townscape and landscape reasons. Extensive areas of land around West Monkton are allocated for development in the Local Plan; it is a village which has grown considerably in recent years and will continue to do so. At the same time Taunton has expanded eastwards so that there is a comparatively narrow gap in the Maidenbrook Area. The appeal scheme would fill more than half of the width of the present gap and, for the reasons set out above, I conclude that it would reduce the Green Wedge to an unacceptable degree. The proposal would thus harm the character and appearance of the area and run contrary to Local Plan Policy EN13.

### *Housing Land Supply*

26. The Council produced its first Strategic Housing Land Availability Assessment (SHLAA) in 2009<sup>3</sup> and updated it with revised methodology in 2010<sup>4</sup>. The appellants criticised the current SHLAA both because it skews housing provision over the 15 year period with a larger proportion to be delivered after the initial five year period and because they considered that the assessment of some of the sites planned to contribute to the requirement of 3,525 dwellings for the period 2011 – 2016 was over optimistic. Given that the deliverable land supply in the 2010 SHLAA amounted to 5.03 years worth, only marginally above the target, any significant change in the deliverability of the relevant sites would potentially reduce supply below the 5 year target.

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<sup>3</sup> Document G1

<sup>4</sup> Document G5



27. The Council's rationale for working on the basis that more land would be delivered beyond 2016 was that completion rates in recent years have been lower than anticipated due to the effects of the wider economic downturn. The appellants described this as a 'self fulfilling prophecy' but there seems to me to be some logic in the approach given that economic activity affects to a degree migration into and out of an area so that a downturn would depress need as well as demand.
28. A further criticism levelled by the appellants is that a shortfall in provision against the current Structure Plan requirements, the plan period of which ends in July 2011, has not been taken into account. This is a matter which will be tested fully when the SHLAA is considered as part of the supporting information for the forthcoming Core Strategy and will be examined at that time. Whilst I acknowledge that the Structure Plan figures are qualified by the word 'about', the evidence before me did not establish whether the likely shortfall against the provision in the Plan has been taken into account in calculating the five year supply but if it has not, the effect would be to reduce the available supply to about 4.6 years, based on the appellants' calculations of a shortfall of 697 dwellings.
29. The final area of doubt about the housing supply figures set out in the appellants case is whether all of the schemes identified in the SHLAA would achieve the number of dwellings envisaged within the 5 year period. Up-to-date evidence from a property professional familiar with the area was produced to cast doubt on the assumed completion rates from a number of sites. I have some sympathy with the Council in this part of the case as the SHLAA appears to have been prepared with advice from relevant housebuilding companies as the government's Practice Guidance advises. Nevertheless, the appellants' evidence was fairly put and, indeed, their witness accepted that some sites would be likely to deliver at rates above that estimated.
30. There were indications, however, that the predicted contributions from some of the larger sites would not be forthcoming. The development at Nerrols Farm may not make a contribution as early as the Council estimated, given that the planning process is at a relatively early stage and there are potential delays to accommodate ecological requirements. Although parts of the large scale development at Taunton East Goods Yard are well under way, the permitted scheme contains a large proportion of apartments and I agree that these are rather less likely to come forward in present market conditions. Even if only these two schemes produce significantly fewer completions (and there are doubts about some smaller schemes also) there would still be a shortfall and the 5 year target would be missed.
31. The Council pointed to the historically high levels of permissions granted on windfall sites which it had, quite properly, not taken into account in its calculations, but which it considered might form a cushion against under-provision from other sources. I accept that this is a potential area of additional housing supply. Overall, however, the balance of probability is that the Council cannot at present demonstrate that there is a five year supply of housing land.

#### *Other Matters*

32. The Council had a number of further reservations about the proposal in respect of the provision of affordable housing, required under LP Policy H9 and the potential shortage of school places, with reference to LP Policy C1. The highway authority

sought contributions to sustainable transport, the submission of a travel plan and works necessary to allow the provision of part of the western bypass to West Monkton including bus lanes. All of these matters were the subject of agreements or undertakings which were completed by the end of the Inquiry and I am satisfied that the obligations are properly related to the proposal, as Circular 05/2005 – *Planning Obligations* and the Regulation 122 of the Community Infrastructure Levy Regulations require. Archaeological investigations carried out after the submission of the appeal enabled the Council to be satisfied that an appropriate condition could ensure that relevant interests would not be harmed. Its objection on that topic was therefore dealt with.

33. There was some local concern about the additional traffic generated by the scheme and its effect on the A3259 but I am satisfied that the highway authority's analysis, and the works required by the agreement and undertakings, would prevent undue hazards or inconvenience arising. Reservations were also expressed about the potential for the proposed public house to cause noise and disturbance but, as the proposal is in outline, its location and nature were not defined. In any event, the appellants indicated that they would be prepared not to include this element of the scheme.

### **Conclusion**

34. Since an up-to-date five year supply of housing land has not been demonstrated, the provisions of paragraph 71 of Planning Policy Statement 3 – *Housing* (PPS3) apply so that favourable consideration should be given to the proposal having regard to advice in the PPS as a whole and, in particular, to the considerations in paragraph 69. As the application was in outline, I have no reason to doubt that high quality housing with a good mix of types could be designed in such a way as to use the land effectively and efficiently, so most of the criteria in paragraph 69 would be met.
35. However, the advice also requires the site to be environmentally sustainable. Although I have found that the interests of habitat protection, protected species and biodiversity would not be endangered, I have also come to the view that the Green Wedge between Taunton and West Monkton would be so eroded by the proposal as to render it ineffective in separating the settlements. Whilst there is a marginal shortfall in housing land provision at present, the harm to the character and appearance of the area would be so severe that the proposal should not proceed and for that reason the appeal must fail. I have taken into account all other matters raised in the representations but I have not found any evidence to outweigh the main considerations which have led to my decision.

*B J Juniper*

INSPECTOR

## **APPEARANCES**

### **FOR: THE LOCAL PLANNING AUTHORITY:**

Gavin Collett	Of Counsel
He called	
Nick Bryant	Strategy Lead; Strategy Unit
Ian Clarke	Landscape Lead
Michelle Osbourn	Planning and Advocacy Co-ordinator: Somerset Wildlife Trust

### **FOR: THE APPELLANT:**

David Elvin QC and	
Richard Moules	Of Counsel
They called	
Laurent Duvergé	Principal: Kestrel Wildlife Consultants Ltd
Anne Priscott	Principal: Anne Priscott Associates
Andrew Herridge	Director/Proprietor: Herridge Property Consulting Ltd
Julie Lyle	Proprietor: C2C Planning Consultants Ltd

### **INTERESTED PERSONS:**

Cllr Alan Wedderkopp	Ward Member for Comeytrowe Ward
Adrian Wilson	Local Resident
Ray Tully	Local Resident

## **CORE DOCUMENTS**

### **Application Documents**

- A1 Planning Application dated 18<sup>th</sup> December 2009
- A2 Environmental Statement 2009
  - a) Volume 1: Written Statement
  - b) Volume 2: Figures
  - c) Volume 3: Appendices
  - d) Non-Technical Summary
- A3 Planning Statement
- A4 Design and Access Statement
- A5 Officer's Report to Committee dated 15 December 2010
- A6 Minutes of Committee Meeting on 15 December 2010
- A7 Additional Correspondence with Taunton Deane Borough Council
- A8 Additional Correspondence with Somerset County Council
- A9 Consultee Responses to the Application
- A10 Third Party Responses to the Application
- A11 Statement of Case of Tarker Ltd
- A12 Statement of Case of Taunton Deane Borough Council

### **National Planning Policy**

- B1 Planning Policy Statement (PPS) 1
- B2 Supplement to PPS 1 – Planning Policy and Climate Change

- B3 PPS3 (Housing): June 2010
- B4 PPS5 (Planning and the Historic Environment); March 2010
- B5 PPS 7 – Sustainable Development in Rural Areas
- B6 PPS9 (Biodiversity); August 2005
- B7 PPG13 (Transport), April 2001
- B8 PPG17 (Planning for open space, Sport and Recreation); July 2002
- B9 PPG24 (Noise); October 1994
- B10 PPS25 (Development and Flood Risk); March 2010
- B11 ODPM Circular 11/95 - Use of Conditions in Planning Permission
- B12 ODPM 06/2005 – Biodiversity and Geological Conservation
- B13 ODPM Circular 05/05- Planning Obligations
- B14 The Community Infrastructure Levy (CIL) Regulations

### **The Development Plan**

- C1 Regional Spatial Strategy for the South West to 2016 (RPG10)
- C2 Somerset and Exmoor National Park Joint Structure Plan 2000
- C3 Taunton Deane Local Plan 2004

### **The Emerging Development Plan**

- D1 Draft Revised Regional Spatial Strategy for the South West (submitted in 2006) including the Errata and Corrections to Draft Regional Spatial Strategy Documents (2007)
- D2 The Panel's report of the Examination in Public of the Draft Regional Spatial Strategy for the South West (January 2008)
- D3 The Secretary of State for Communities and Local Government Proposed Changes to the Draft Regional Spatial Strategy (July 2008)
- D4 Local Development Framework , including the Town Centre Area Action Plan

### **Other Material Considerations**

- E1 TDBC's Corporate Strategy 2010-2013
- E2 TDBC's Playing Pitch Strategy
- E3 TDBC's Sports Facilities Strategy
- E4 TDBC's Green Space Strategy
- E5 TDBC's Emerging Corporate Priority - Affordable Housing
- E6 Monkton Heathfield Development Guide (Approved 2004)
- E7 Taunton Deane Residential Design Guide (1998)
- E8 CLG's Chief Planner letter dated 26 March 2010 re ensuring a five year supply of land for housing
- E9 Taunton Deane Green Infrastructure Strategy August 2009

### **Appeal Decisions**

- F1 Maidenbrook Farm 1999 (APP/D3315/A/99/1027454/P5)
- F2 Cala Homes (South) Ltd case (2010 EWHC 2866)

### **Housing Allocation**

- G1 Taunton Deane Housing Land Availability Assessment (July 2009) (SHLAA)

- G2 Taunton Deane Annual Monitoring Report 2009-2009
- G3 Household Projections, 2008 to 2033, England
- G4 Taunton Deane Borough Council - Executive Committee- 16 June 2010 - Report of the Planning Policy Advisor - Core Strategy Interim Sites
- G5 Taunton Deane Housing Land Availability Assessment (2010) (SHLAA)
- G6 Taunton Deane Borough Council - Executive Committee- 18 August 2010 - Report of the Strategy Lead - Setting strategic housing and employment targets for the Taunton Deane Core Strategy

### **Landscape and Visual Documents**

- H1 Countryside Agency and SNH, 'Landscape Character Assessment - Guidance for England and Scotland', prepared by Swanwick C and LUC, revised 2002
- H2 TDBC, Deane Tree Plan (1989)
- H3 Landscape Institute and IEMA, 'Guidelines for Landscape and Visual Impacts Assessment' (GLVIA) (revised 2002)
- H4 TDBC, 'Landscape Character Assessment' (2008)
- H5 LUC, Taunton Deane Green Infrastructure Strategy (2009)
- H6 CPRE Tranquillity Mapping
- H7 Landscape Character Assessment Series: Topic Paper 6 – Techniques and Criteria for Judging Capacity and Sensitivity' (Countryside Agency and Scottish Natural Heritage) (2004)

### **Ecology Documents**

- I1 Habitats Regulations Assessment (HRA) of Hestercombe House Special Area of Conservation (SAC)
- I2 Burrows, L. Undated: Assessment of likely significant effect on a European site - Application reference no. 48/09/0054. Taunton Deane Borough Council (Received from L. Burrows on the 16th December 2010).
- I4 Taunton Deane Borough Council Habitat Regulations Assessment of 'Local Development Framework Core Strategy: Site Allocations Development Plan Document', and Somerset County Council Taunton Transport Strategy Review 2 - September 2009
- I5 Duvergé, P. L. 2009: Report on bat surveys carried out at Hestercombe House SSSI, Taunton, Somerset, in 2007 and 2008. A report prepared for Mr L. Burrows, Ecology Officer- Spatial Planning, Environment Directorate, Somerset County Council, County Hall, Taunton, Somerset TA1 4DY. Kestrel Wildlife, Cullompton, Devon
- I7 Bontadina et al 2007 – Changes in prey abundance unlikely to explain the demography of a critically endangered Central European Bat
- I8 The Lesser Horseshoe Bat – Conservation Handbook – Vincent Wildlife Trust
- I9 Bat Conservation Trust Bat Surveys Good Practice Guidelines (2007)
- I10 Knight, T. 2006: The use of landscape features and habitats by the Lesser Horseshoe bat. PhD thesis, University of Bristol.
- I11 Billington, G. et al 2005: Radio tracking Study of lesser horseshoe bats at Hestercombe House site of Special scientific Interest. English Nature, Peterborough
- I12 A Review and Synthesis of Published Information and Practical Experience on Bat Conservation within a Fragmented Landscape – Welsh National Parks, 2005
- I13 Bat Mitigation Guidelines – English Nature 2004)
- I14 Cresswell Associates. 2004: Bats in the Landscape Project. The National Trust, Sherborne Park Estate
- I15 Schofield, H., Messenger, J., Birks, J. & Jermyn, D. 2003: Foraging and Roosting Behaviour of Lesser Horseshoe Bats at Ciliau, Radnor. The Vincent Wildlife Trust, Ledbury

- I16 Bontadina, F., Schofield, H. & Naef-daenzer, B. 2002: Radio tracking reveals that lesser horseshoe bats (*Rhinolophus hipposideros*) forage in woodland. *J. Zool. Lond.* 258: 281-290.
- I17 A R Outen – The ecological effects of road lighting
- I18 Motte & Libois 2005 – Conservation of the lesser horseshoe bat in Belgium
- I19 Arlettaz et al 1999 – Competition for food by expanding pipistrelle bat populations might lead to the decline of lesser horseshoe bats
- I21 Bat Conservation Trust – National Bat Monitoring Programme – Annual Report for 2008
- I22 Bat Conservation Trust – National Bat Monitoring Programme – Annual Report for 2009
- I23 The state of the UK's Bats - National Bat Monitoring Programme Population Trends 2008
- I24 The Crown Estate – North Taunton Appendix H - Biodiversity Report – ENTEC 2010
- I25 Council Directive 92/43/EEC – 21 May 1992
- I26 Extract from *Przyroda Sudetow* Supplement 3 2008 7-26
- I27 The Bats of Britain and Ireland – Jon Russ [extract]
- I28 Mammals of the British Isles – Harris & Yalden (Extract)
- I29 Stone, Jones & Harris 2009 – Street Lighting Disturbs Commuting Bats
- I30 Extract from JNCC SAC Species Account re Lesser Horseshoe bat
- I31 Conservation status assessment for Lesser Horseshoe bat – Second Report by the United Kingdom under Article 17 – Jan 2001 to Dec 2006
- I32 Assessment of Hestercombe House SSSI – 01 Jan 2011 – Natural England

#### **Documents submitted at the Inquiry**

- M1 Council's letter of notification and list of addresses to which it was sent
- M2 Appellants' opening submissions
- M3 Council's opening submissions
- M4 Copy of Plan 1611 07K annotated by the Council to show extent of landscaping required
- M5 Landscape observations on appn No. 48/10/0072 – Land north of Aginghills Farm
- M6 Somerset Wildlife Trust map of habitat types south of Hestercombe House
- M7 Habitats Regulation Assessment of appn No. 08/10/0024 – Nerrols Farm
- M8 Phasing section of Design and Access Statement for Nerrols Farm scheme
- M9 Google Earth view of Tudor Park and land to the west
- M10 Site plan annotated by Ms Osbourn to show desired bat transit routes
- M11 Google Earth view of Hestercombe House at various elevations
- M12 Records of Lesser Horseshoe Bats within 6km of NGR ST249264
- M13 Council's Closing Remarks
- M14 Judgement in *R (on the appn of Hart DC) v SoS for Communities & Local Government* [2008] EWHC 1204
- M15 Appellants' Closing Submissions
- M16 Final Statement of Common Ground
- M17 List of Suggested Conditions

#### **Application Plan submitted at the Inquiry**

- P1 Revised Illustrative Assessment Plan – drawing No. 1611 07K