

## SWT Planning Committee

Thursday, 9th July, 2020,  
1.00 pm



Somerset West  
and Taunton

[SWT VIRTUAL MEETING WEBCAST LINK](#)

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**Members:** Simon Coles (Chair), Marcia Hill (Vice-Chair), Ian Aldridge, Mark Blaker, Sue Buller, Dixie Darch, Roger Habgood, Mark Lithgow, Chris Morgan, Craig Palmer, Andrew Sully, Ray Tully, Brenda Weston and Loretta Whetlor

### Agenda

**1. Apologies**

To receive any apologies for absence.

**2. Minutes of the previous meeting of the Planning Committee**

To approve the minutes of the previous meeting of the Planning Committee on the 25 June 2020.

**3. Declarations of Interest or Lobbying**

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests or lobbying in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

**4. Public Participation**

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have requested to speak, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

(Pages 5 - 8)

### **Temporary measures during the Coronavirus Pandemic**

Due to the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will holding meetings in a virtual manner which will be live webcast on our website. Members of the public will still be able to register to speak and ask questions, which will then be read out by the Governance and Democracy Case Manager during Public Question Time and will either be answered by the Chair of the Committee, or the relevant Portfolio Holder, or be followed up with a written response.

**5. 42/20/0006**

(Pages 9 - 34)

**Application for approval of reserved matters following Outline Application 42/14/0069 for the appearance, landscape, layout and scale for the erection of 70 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works (Phase 1a Parcel H1b) on land at Comeytrove/Trull**

**6. 09/20/0006**

(Pages 35 - 40)

**Formation of vehicular access, gates and associated parking area plus hard landscaping consisting of patio areas, retaining walls and steps at The Old Waterworks, Chipstable**

**7. Latest appeals and decisions received**

(Pages 41 - 76)



**JAMES HASSETT  
CHIEF EXECUTIVE**

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If you would like to ask a question or speak at a meeting, you will need to submit your request to a member of the Governance Team in advance of the meeting. You can request to speak at a Council meeting by emailing your full name, the agenda item and your question to the Governance Team using [governance@somersetwestandtaunton.gov.uk](mailto:governance@somersetwestandtaunton.gov.uk)

Any requests need to be received by 4pm on the day that provides 2 clear working days before the meeting (excluding the day of the meeting itself). For example, if the meeting is due to take place on a Tuesday, requests need to be received by 4pm on the Thursday prior to the meeting.

The Governance and Democracy Case Manager will take the details of your question or speech and will distribute them to the Committee prior to the meeting. The Chair will then invite you to speak at the beginning of the meeting under the agenda item Public Question Time, but speaking is limited to three minutes per person in an overall period of 15 minutes and you can only speak to the Committee once. If there are a group of people attending to speak about a particular item then a representative should be chosen to speak on behalf of the group.

Please see below for Temporary Measures during Coronavirus Pandemic and the changes we are making to public participation:-

Due to the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will holding meetings in a virtual manner which will be live webcast on our website. Members of the public will still be able to register to speak and ask questions, which will then be read out by the Governance and Democracy Case Manager during Public Question Time and will be answered by the Portfolio Holder or followed up with a written response.

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**SWT Planning Committee - 25 June 2020**

- Present: Councillor Simon Coles (Chair)  
 Councillors Marcia Hill, Ian Aldridge, Mark Blaker, Sue Buller, Dixie Darch, Ed Firmin, Mark Lithgow, Craig Palmer, Andrew Sully, Ray Tully, Brenda Weston and Loretta Whetlor
- Officers: Martin Evans (Shape Legal Partnership), Rebecca Miller (Principal Planning Specialist), Nick Bryant (Head of Strategy) and Tracey Meadows (Democracy and Governance)

(The meeting commenced at 1.00 pm)

18. **Apologies**

Apologies were received from Councillors Habgood and Morgan.

19. **Minutes of the previous meeting of the Planning Committee**

(Minutes of the meeting of the Planning Committee held on 11 June 2020 circulated with the agenda)

**Resolved** that the minutes of the Planning Committee held on 11 June 2020 be confirmed as a correct record.

Proposed by Councillor Hill, seconded by Councillor Buller

The **Motion** was carried.

20. **Declarations of Interest or Lobbying**

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Application No.	Reason	Action Taken
Cllr M Lithgow	3/21/20/031	Item discussed at the Minehead Planning Committee meeting	Spoke and did not vote on the application

21. **Public Participation**

Application No.	Name	Position	Stance
3/21/20/031	Emily Morris	Applicant	Infavour

22. **20/20/0011**

**Change of use of land from agricultural to domestic at Ilbeare, Cattleshaw, Fitzroy Road, Norton Fitzwarren (retention of works already undertaken)**

Application **DEFERRED** until a response from Natural England regarding the Grade of Agricultural Land has been received.

23. **3/21/20/031**

**Erection of 1 No. 1 number bedroom detached holiday chalet with associated vehicle parking**

Comment from member of the public included;

- The proposed structure was in a secluded glen lined with native trees and shrubs providing almost complete cover for the structure;
- The unit will generate its own power using bottled gas for cooking and a small woodstove for heating during the winter months;
- Rainwater would be collected and stored for use;
- The construction would be constructed of wood to lessen the impact on the surrounding area;

Comments by Members included;

- The impact on the landscape was minimal;
- Good use of materials used in the construction of this unit;
- This was an ideal site for a holiday chalet;
- This will bring revenue and employment into Minehead;
- Happy that no trees were damaged in the construction;

Proposed by Councillor Hill and seconded by Councillor Lithgow that the application be **APPROVED**

The **Motion** was carried with one abstention

24. **Latest appeals and decisions received**

Noted that eleven new appeals and four decisions had been received.

(The Meeting ended at 1.50 pm)



42/20/0006

TAYLOR WIMPEY LTD

**Application for approval of reserved matters following Outline Application 42/14/0069 for the appearance, landscape, layout and scale for the erection of 70 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works (Phase 1a Parcel H1b) on land at Comeytrowe/Trull**

Location: LAND AT COMEYTROWE/TRULL

Grid Reference: 319891.123359

Reserved Matters

## Recommendation

**Recommended decision: Approval**

### Recommended Conditions (if applicable)

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo PL-TW-03 Rev N Planning Layout

(A1) DrNo PL-TW-04 Rev F Materials Plan

(A1) DrNo PL-TW-05 Rev E Boundary Treatments plan

(A3) DrNo PL-TW-05.1 Boundary Treatments

(A1) DrNo PL-TW-06 Rev D Presentation Layout

(A3) DrNo HT-TW-PT21-01 Rev D Housetype Planning Drawing PT22

(A3) DrNo HT-TW-NA20-01 Rev C Housetype Planning Drawing NA20

(A3) DrNo HT-TW-NA20-02 Rev C Housetype Planning Drawing NA20

(A3) DrNo HT-TW-NT30-01 Rev C Housetype Planning Drawing NT30

(A3) DrNo HT-TW-NT30-01 Rev C Housetype Planning Drawing NA30

(A3) DrNo HT-TW-NT31-01 Rev C Housetype Planning Drawing NT31

(A3) DrNo HT-TW-NT31-02 Rev D Housetype Planning Drawing NT31

(A3) DrNo HT-TW-NT31-03 Rev C Housetype Planning Drawing NT31

(A3) DrNo HT-TW-NT32-01 Rev D Housetype Planning Drawing NA32

(A3) DrNo HT-TW-NA32-02 Rev E Housetype Planning Drawing NA32

(A3) DrNo HT-TW-NA32-03 Rev C Housetype Planning Drawing NA32

(A3) DrNo HT-TW-NA32-04 Rev E Housetype Plannong Drawing NA32

(A3) DrNo HT-TW-NA42-01 Rev C Housetype Planning Drawing NA42

(A3) DrNo HT-TW-NA42-02 Rev C Housetype Planning Drawing NA42

(A3) DrNo HT-TW-NA45-01 Rev D Housetype Planning Drawing NA45

(A3) DrNo HT-TW-GAR-01 Rev A Single Garage Single Owner

(A3) DrNo HT-TW-GAR-02 Rev A Double Garage Double Owner

(A1) DrNo SS-TW-01 Rev D Street Scenes & Site Section

(A1) DrNo SS-TW-02 Street Scene F-F

(A0) DrNo BRL-L-N1-PL200 Rev A Planting Plan

(A0) DrNo BRL-L-N1-PL201 Rev F Planting Plan Sheet 1

(A0) DrNo BRL-L-N1-PL200 Rev A Planting Plan

(A1) DrNo 02-ATR-1001 Rev F Fire Tender Tracking Plan

(A1) DrNo 02-ATR-1101 Rev F Refuse Vehicle Tracking Plan

(A1) DrNo 02-DR-1001 Rev G Preliminary Drainage Layout

(A1) DrNo 02-GA-1001 Rev E Preliminary Highway Levels Plan

(A1) DrNo 02-GA-1002 Rev E Preliminary Highway Levels Plan

(A1) DrNo 02-GA-1201 Rev E Preliminary Junction Visibility

(A1) DrNo 02-RP-1001 Rev C Preliminary Road Profile

(A1) DrNo 02-RP-1002 Rev C Preliminary Road Profile

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Prior to the construction of the buildings above damp proof course level (dpc), samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the building/area.

3. Prior to the construction above base course level of the roads, footways and cycleways show on on the approved plans, a hard landscape scheme shall be submitted to and approved in writing by the Local Planning Authority showing details of the hard surface treatment of the roads, footways, cycleways, driveways and paths and a programme of implementation. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area.

#### Notes to Applicant

1. Your attention is drawn to the original conditions on permission 42/14/0069 which still need to be complied with.
2. Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this requirement may result in the developer being prosecuted if the path is built on or otherwise interfered with.

3. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.

## Proposal

Reserved matters approval is sought, for the appearance, landscape, layout and scale of 70 dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works (Phase 1 - Parcel H1B) on land at Comeytrove/Trull. This is the first reserved matters approval sought in relation to the appearance, landscape, layout and scale of housing at this strategic site, and follows the approval by committee of reserved matters relating to strategic infrastructure for the western neighbourhood.

The outline application for this 2000 dwelling development was accompanied by a viability assessment, which made assumptions around the costs and timescales for delivery of this strategic site, with the delivery of affordable housing being agreed at 17.5%. However, it is noted that following the allocation of funding by Homes England, affordable provision across the site is being supplemented with 'additionality' affordable units (to be delivered on the Vistry sub-phases), raising affordable housing delivery to a total of 35% across the urban extension.

The 70 dwellings (58 market, 12 affordable) in parcel H1b are a sub-phase of Housing Phase 1 which will comprise a total of 600 dwellings, in accordance with the agreed Phasing Plan. Phase H1B is located centrally within the western neighbourhood, and will be surrounded on all side by future phases consisting of residential development to the north, south and west, and employment development to the east. Future development is also expected to include a play area within an area of open space to the north east of sub-phase H1B.

Plans show the layout of dwellings in two blocks, each side of the approved primary road (also known as the spine road), which travels from the site access in an east/westerly direction. The northern block also fronts onto a "cycle lane" to the north, which provides a cycle route from this development to connect to the existing cycle path off Lloyd Close.

The primary road also includes a shared cycle and pedestrian path, which will provide a cycle link through the site from the entrance to the western neighbourhood at the A38 and the entrance to the eastern neighbourhood at Trull. The principle and layout (within the western neighbourhood) of this cycle path were approved as part of the Outline (42/14/0069) and Infrastructure Reserved Matters (42/19/0053) consents. In order to ensure the safety of cyclists, parking has provided in rear access courts for properties on the northern side of the primary road.

To the east of the parcel the existing public footpath travels in a north-south direction, this footpath is incorporated into the proposed layout.

The proposed dwellings are all two storey properties, the majority being houses, with three FOGs (Flats over Garages) at the entrances to parking courts. Twelve

affordable dwellings are provided to the south of the site, in accordance with Section 106 obligations.

The proposed dwellings consist of a mixture of detached, semi-detached and terraced properties. The majority of dwellings are of a simple rectangular floorplan with pitched roofs. All dwellings have allocated parking as well as cycle storage in shed or garages.

Landscaping is proposed within the parcel including trees on all streets, hedges to provide boundaries, landscaping within parking courts and vertical planting.

Houses are provided with water butts to provide an on-plot sustainable drainage solution, with permeable paving provided in communal areas of hard landscaping. These measures compliment the strategic Sustainable Urban Drainage System (SuDS) agreed as part of the Infrastructure reserved matters application (42/19/0053)

Since submission a number of amendments to plans have been sought and submitted. These are set out more fully below but in summary provided additional detailing to the proposed dwellings, amendments to better respond to urban design principles and improvements to proposed landscaping.

## **Site Description**

Outline consent with all matters reserved (except points of access) has been granted for a residential and mixed use urban extension at Comeytrove/Trull to include up to 2,000 dwellings, up to 5.25ha of employment land, 2.2ha of land for a primary school, a mixed use local centre and a 300 space 'park and bus' facility (application ref. 42/14/0069). The site area for the outline application was approx. 118ha and was bounded by the A38 Wellington Road to the north-west, the suburb and parish of Comeytrove to the north and north-east and the farmland of Higher Comeytrove Farm to the south. The Blackdown Hills AONB is located approximately 2.5 miles to the south of the site.

The area submitted for approval with this application comprises sub-phase H1B (approximately 2.4ha) of the site and includes land within the parishes of Bishop's Hull, and Trull, with the majority of the sub-phase falling within Trull.

The majority of the site is currently in agricultural use, with small groupings of housing and farms scattered along the existing lanes, none of which adjoin this sub-phase. The site is characterised by a rolling landscape, with a number of substantial hedgerows and trees that help to define the existing field boundaries of the site. This sub-phase includes such a field boundary to the western boundary, which has been incorporated into the proposed layout.

The land gently undulates, with the highest points on the wider site in the north and north-west and lowest points around Galmington Stream. Within this sub-phase the highest points are at the north-west and south-west, with the land gently sloping down both towards the centre of the sub-phase where the primary road is located, and towards the east of the sub-phase.

There are no trees of note within this sub-phase.

On the north of this sub-phase some former chicken sheds are sited. These have been granted approval for removal under the prior approval process and this demolition has recently been taking place. A number of Public Rights of Way and historic lanes cross the wider site, with a Right of Way situated to the western boundary of this sub-phase and providing a footpath link between the junction of the A38/Jeffreys Way to the north and Higher Comeytrowe farm to the south.

## **Relevant Planning History**

Ref. 42/14/0069 - Outline planning permission with all matters reserved (except access) for a residential and mixed use urban extension at Comeytrowe/Trull to include up to 2,000 dwellings, up to 5.25ha of employment land, 2.2ha of land for a primary school, a mixed use local centre and a 300 space 'park and bus' facility. Approved 8 August 2019.

Ref. 42/19/0053 - Application for approval of reserved matters following outline application 42/14/0069 for construction of the strategic infrastructure associated with the Western Neighbourhood, including the spine road and infrastructure roads; green infrastructure and ecological mitigation; strategic drainage, earth re-modelling works and associated retaining walls on land at Comeytrowe/Trull. Approved 18 March 2020.

Ref. 42/20/0005/DM - Prior notification of proposed demolition of chicken coops on land south west of Taunton. No objection subject to conditions 21 February 2020.

Ref. 42/20/0022/FPD - Footpath Diversion Application Public Footpath reference T29/11 South West Taunton Comeytrowe. Concurrent application still under consideration.

Ref. 42/20/0024 - Application for approval of reserved matters following outline application 42/14/0069 for the erection of a foul pumping station, water booster station and gas pressure reducing station to serve the permitted 2000 dwellings on land at Comeytrowe/Trull. (Deemed invalid)

Ref. 42/20/0031 - Application for approval of reserved matters in respect of appearance, landscape, layout and scale, following outline application 42/14/0069, for Phase H1A for the erection of 75 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works with additional details as required by Condition No's 7, 9, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21 and 23 on land at Comeytrowe/Trull. Concurrent application still under consideration.

## **Consultation Responses**

*BISHOP'S HULL PARISH COUNCIL* – Objection:-

- No public open space, play provision or local amenities provided as part of this sub-phase.
- Spine road and school both need to be constructed at an early stage in the

development.

- 2014 Flood Risk Assessment is inadequate, a new survey should be required.

*COMEYTROWE PARISH COUNCIL* – Comments:-

- Proposal at odds with climate emergency.
- Application should be accompanied by an Environmental Impact Assessment
- Spine road and school both need to be constructed at an early stage in the development.
- Impact on local area needs careful consideration.
- Need to ensure development does not impact on flooding.
- Hedgerows along the A38 have been removed without consultation.
- Comments provided in relation to future sub-phases regarding density and green infrastructure, and in relation to future enforcement issues.

*TRULL PARISH COUNCIL* – Objection:-

- Application is not in accordance with Trull Neighbourhood Plan.
- SUDs scheme is not acceptable.
- Application requires the removal of hedgerows.
- Affordable housing is grouped together.
- Inadequate space for refuse storage.
- Design of houses and layout is poor quality and not in accordance with garden town initiative.
- Inadequate provision of parking spaces.
- Lack of renewable energy provision.
- Inadequate consultation.

*NATURAL ENGLAND* – No objection.

*ENVIRONMENT AGENCY* – No objection

*HIGHWAYS ENGLAND* – No objection

*HISTORIC ENGLAND* – No objection

*SCC - TRANSPORT DEVELOPMENT GROUP* – Comments:-

- Proposed layout broadly acceptable
- Detailed points made that will need to be considered by the developer as part of their technical highways submission for the road.

*SCC RIGHTS OF WAY* – No objection:-

- Informative note to advise regarding proposed works which must not encroach on the right of way

*SCC ASSETTS* – No comments.

*LEAD LOCAL FLOOD AUTHORITY* – Objection 2 March 2020:-

- On-plot SuDS required in addition to strategic SuDS features already agreed.
- Features that encourage natural losses, manage shorter, intense storm events and minimise blockage and pollution risk (source control) to the strategic network are considered necessary here to ensure the longevity of the overall scheme.
- Thorough review of sub-phases ability to provide on-plot SuDS features required.

*LEAD LOCAL FLOOD AUTHORITY* – Comments 22 June 2020:-

- More robust review of the SuDS opportunities has now been undertaken.
- Subject to conditions to cover the necessary technical details no objection to this phase.

*TREE OFFICER* – Comments:-

- Layout doesn't give much scope for larger, broader trees to be incorporated.
- There are sufficient trees shown but too many are narrow varieties, replacement of some narrow trees with rounded or oval shaped required.
- General issue with small trees that are not in public open space, it is difficult to prevent these being removed/damaged by residents.
- Arboricultural technical notes acceptable.

*LANDSCAPE* – Comments 14 April 2020:-

- Right of Way to west of site should be revised to provide a clearer experience for pedestrians
- Gaps between the in line parking spaces for properties T32 to T21, if this necessary?
- Palette of planting limited which does not provide sufficient variety for visual interest.
- Bulb drifts required for flush of colour in public facing grassed areas.
- Additional trees should be provided within parking courts where space allows.
- Insufficient landscaping between parking for plots T6-T17.
- Perennial planning for verge along spine road to create rain gardens.
- Hedged boundaries along spine road should sit behind railings, with estate-style railings suggested.

*LANDSCAPE* – Comments 19 May 2020:-

- All previous comments have been picked up and responded to.
- Need to ensure there is not a complete dearth of trees to the south side of spine road, this can be picked up as on future sub-phases.
- Concern over use of brick walls when stone walls are more typical of Trull/Comeytrove.
- Shape and size of trees along spine road now acceptable and agreed with Tree Officer.

*HOUSING ENABLING* – Objection 18 March 2020:-

- Affordable Housing Unit mix is acceptable for this reserved matters application.
- House type NA30 meets space requirement for 3 bed/4 person unit but not 5/6 person. Some larger units required to meet the needs of larger families.
- Proposed parking arrangements for affordable housing are not tenure blind.

*HOUSING ENABLING* – Comments 25 June 2020:-

- Affordable Housing Unit mix is acceptable for this reserved matters application.
- Affordable housing is clustered in a row at the south of the site. However, the affordable units are visually indistinguishable from the market housing on site and is therefore acceptable.

*PLACEMAKING* – Objection 3 April 2020:-

- Layout is angled and does not provide street continuity or curvature.
- Key building missing at T52/53 and secondary key building missing at T29/30.

- Layout and landscaping of affordable dwellings is not tenure blind.
- T23 does not effectively terminate the view from the secondary road frontage
- Weak corner buildings e.g. T33/34 and T47/48 would make a stronger cover presence by stepping forward slightly the building on the primary road frontage.
- Car parking courts have inadequate natural surveillance and landscaping.
- House types do not reflect local distinctiveness and do not reflect the character of traditional building types shown in the approved Neighbourhood Design Guide for Comeytrove.
- No differentiation between design quality of key and secondary key buildings.
- Buildings have casement windows rather than sash.
- Gable ends in the street scene are blank without any windows openings for natural surveillance and visual interest e.g. T55.
- Railings and hedges required to provide substantive strong boundary along primary frontage.
- Screen walls should wrap around plots rather than stopping at corners.
- Materials include weatherboarding which is not in the Neighbourhood Design Guide for Comeytrove nor a locally distinctive material.
- Brick windows cills are not a local detail.
- Design of FOGs have no architectural expression and are completely bland.

*PLACEMAKING – Objection 25 June 2020:-*

*Previously unresolved:*

- Layout is angled and does not provide street continuity or curvature.
- Key building at T52 does not effectively terminate large landscape area
- Layout and landscaping of affordable dwellings is not tenure blind.
- T23 does not effectively terminate the view from the secondary road frontage
- Corner buildings minimum that could be expected and not appropriate for a primary frontage.
- House types do not reflect the character of traditional building types shown in the approved Neighbourhood Design Guide for Comeytrove.
- Buildings have casement windows rather than sash.
- Design of FOGs have no architectural expression and are completely bland.

*Additional concerns:*

- T1-T5 do not provide sufficient enclosure to the local square
- Scale of T1 is inappropriate, building should be 2 ½ storeys
- No hierarchy in the scale, proportion and appearance of house types
- FOGs do not provide sufficient amenity for future residents
- Cycle storage could be incorporated to the front of dwellings rather than the rear
- Majority of materials are manmade with an over-dominance of red brick
- No inclusion of green roofs or walls

*GARDEN TOWN CO-ORDINATOR – Comments:-*

- Site has lengthy history, having first been identified for allocation more than a decade ago.
- Since that time there have been lengthy negotiations eventually leading to the grant of Outline planning permission.
- While the Outline permission was issued in summer 2019, the Outline application was formulated many years before this.
- A key part of the former Taunton District BC bid to Government to secure Garden Town status for Taunton was the ability of the Council to deliver substantial new

- housing around the town from the 3 planning communities (including Comeytrove)
- The Comeytrove site has a significant role in delivering housing and is central to the Council's ability to demonstrate a 5 year housing supply
  - The Outline approval was formulated before the Garden Town Vision, Design Charter and Checklist, however the Council have worked closely with the applicants on a comprehensive landscape and green infrastructure delivery scheme for the Comeytrove site.
  - The overall development area will deliver substantial areas of open space and tree planting in line with the Garden Town Vision.
  - This application for Reserved Matter brings forward housing, including affordable housing, and green infrastructure, which deliver key elements of the Vision for the Garden Town.

*AVON AND SOMERSET CONSTABULARY – Comments:-*

- Vehicular and pedestrian routes are visually open and direct and likely to be well used enabling good resident surveillance of the street. Surface changes within the development would help reinforce defensible space.
- Dwellings overlook the street and public open spaces, providing surveillance. Many dwellings are back to back which is advantageous as it restricts unauthorised access.
- Dwelling boundaries appear to meet requirements for security and surveillance.
- Rear access footpaths should be gated as near as possible to front building line to deter unauthorised access.
- Communal parking is close to owners homes, well overlooked and few in number which is recommended. Courtyard parking is discouraged.

Representations Received

A site notice has been posted and neighbours notified of the application. The council is in receipt of 2 representations.

The comments made can be summarised as follows:-

**Principle of development**

- The development does not meet Garden City principles.
- Proposal does not respond to climate emergency.
- Inadequate facilities in walking distance of development.

**Layout**

- Application should be taken to Design Review Panel
- Play area will be too far away for children to access.
- Houses will be too close to proposed employment development to the south west of the site.

**House types**

- Houses only just conform to minimum space standards.
- Houses do not meet lifetime homes standards.
- Use of space under FOGs unclear.

**Affordable Housing**

- Affordable housing is not tenure blind due to lack of variety in materials used for

these units.

- Three bed affordable homes are smaller than three bed market houses.

### **Parking**

- Garages only just fit an average car inside.

### **Landscaping**

- Insufficient landscaping.
- Too much impermeable surface.

### **Refuse**

- Concern over ability of any future disabled residents to arrange refuse collection at collection points.

### **Planning process**

- It is difficult to keep track of various applications relating to the development as each application is stored on a new file.
- It is not clear what has been approved in the Outline and what is yet to be approved as part of reserved matters, the approach seems piecemeal.
- It is difficult to track the discharge of conditions.
- Comments on other applications made relating to this development.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013). Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 are currently being rolled forward with the aim of producing one new Local Plan covering the entire administrative area.

Relevant policies of the development plan are listed below.

- SD1 - Presumption in favour of sustainable development,
- CP1 - Climate change,
- CP4 - Housing,
- CP5 - Inclusive communities,
- CP6 - Transport and accessibility,
- CP7 - Infrastructure,
- CP8 - Environment,
- SP2 - Realising the vision for Taunton,
- SS7 - Comeytrowe / Trull - Broad Location for Growth,
- DM1 - General requirements,
- DM4 - Design,
- DM5 - Use of resources and sustainable design,

A1 - Parking Requirements,  
A2 - Travel Planning,  
A3 - Cycle network,  
A5 - Accessibility of development,  
ENV1 - Protection of trees, woodland, orchards and hedgerows,  
ENV2 - Tree planting within new developments,  
ENV3 - Special Landscape Features,  
I4 - Water infrastructure,  
D7 - Design quality,  
D8 - Safety,  
D9 - A Co-Ordinated Approach to Dev and Highway Plan,  
D10 - Dwelling Sizes,  
D12 - Amenity space,  
TAU1 - Comeytrove / Trull,

The Trull Neighbourhood Plan is part of the development plan and a material consideration.

The National Planning Policy Framework (NPPF) and National Planning Policy Guidance are material considerations. The National Design Guide is also a material consideration.

Other documents including the consultation draft of the Somerset West and Taunton Design Guide (February 2020), Taunton: The Vision for our Garden Town (October 2019) and the Taunton Design Charter and Checklist do not form part of the development plan but remain material considerations albeit with limited weight.

All policies and material considerations can only be considered as far as they relate to the details for which reserved matters approval is sought, as defined in the Development Management Procedure Order (DMPO) 2015.

## **Local finance considerations**

### **Community Infrastructure Levy**

Creation of dwellings is CIL liable.

Proposed development measures approx. 7332sqm.

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £513,250.00. With index linking this increases to approximately £729,000.00.

## **Determining issues and considerations**

### Principle of development of the site

The principle of developing this site to provide an urban extension has been established by the outline approval. This reserved matters application seek approval for detailed matters in relation to layout, scale, appearance and landscaping and consideration is limited to these issues.

### Environmental Impact Assessment (EIA)

A full and detailed Environmental Statement was submitted with the Outline application, and officer opinion is that there is no need for this to be updated as there has been no significant change to the status of the land nor any other relevant factors since the outline consent was granted.

### Amendments negotiated to the scheme

In accordance with paragraphs 38-46 of the NPPF, officers have worked proactively with the applicants for the urban extension to secure improvements to the proposal. A summary of amendments made following officer comments both pre and post-application is as follows:

<b>Amendment</b>	<b>Responding to</b>
<i>Pre-application (Neighbourhood Design Guide)</i>	
Strategy of traditional rather than contemporary house types included in Neighbourhood Design Guide	Placemaking
Interpretation of detailing from the traditional vernacular in and around Taunton included in Neighbourhood Design Guide	Placemaking Planning
Amendments to Design Principles Plan for Sub-Phases H1A and H1B to include clearer indication of built form turning the corner, clear distinction of gateway and primary frontages, and amendments to key/secondary key building locations.	Placemaking Planning
<i>Amended plans 5 June 2020</i>	
House types <ul style="list-style-type: none"> <li>Updated to include interpretation of locally distinctive detailing to brick units (rendered units kept simple)</li> <li>Chimneys added to key buildings</li> </ul>	Placemaking
Layout <ul style="list-style-type: none"> <li>Amendments to southern street containing affordable units, central terrace split into semis and brought forward slightly to provide some differentiation. Study provided showing street in context.</li> <li>Corner plots pulled forward to provide additional enclosure a primary street junctions.</li> </ul>	Housing Enabling Placemaking
Materials <ul style="list-style-type: none"> <li>Weatherboarding removed</li> <li>Contrasting buff brick detailing included</li> <li>Natural slate roofing included</li> <li>Brown tile included</li> <li>Panelled doors added</li> </ul>	Placemaking Landscape
Landscaping <ul style="list-style-type: none"> <li>Permeable paving added to communal parking areas to reduce rate of surface water run-off</li> <li>Water butts added to gardens to reduce surface water run-off and water consumption</li> <li>Black estate style railings added to boundary along primary</li> </ul>	Local Lead Flood Authority (LLFA) Landscape Trees Placemaking

<p>frontage</p> <ul style="list-style-type: none"> <li>• Additional soft and hard landscaping provided within parking areas for T6-T17 (affordable units) and on street to contain and frame car parking provision.</li> <li>• Additional trees added along right of way route</li> <li>• Feature tree/shrub interest added to corner plots</li> <li>• Palette of ornamental planting diversified</li> <li>• Bulb planting added</li> <li>• Tree species list amended to add greater diversity</li> </ul>	
<i>Amended plans 23 June 2020</i>	
<p>Layout</p> <ul style="list-style-type: none"> <li>• Rearrangement of T1-T4 to better enclose the local square</li> <li>• FOGs provided with bin storage/external amenity space</li> </ul>	<p>Planning Placemaking</p>
<p>House types</p> <ul style="list-style-type: none"> <li>• Key building T52 provided with bay window to provide additional detailing.</li> <li>• Windows added to side elevations of T50, T55 &amp; T62 to improve surveillance of public realm</li> <li>• Additional chimneys added</li> </ul>	<p>Planning Placemaking</p>
<p>Materials</p> <ul style="list-style-type: none"> <li>• Buff brick included as primary walling material</li> </ul>	<p>Planning Placemaking Landscape</p>
<p>Landscaping</p> <ul style="list-style-type: none"> <li>• Additional landscaping added to parking court</li> <li>• Minor amendments to rear boundary treatments to ensure these are brick walls where visible from the public realm</li> </ul>	<p>Planning Placemaking Landscape</p>
<p>Finished Floor Levels for all plots supplied</p>	<p>Planning</p>

### Layout, design and appearance

Core Strategy Policy DM4 Design, Site Allocations & Development Management Plan (SADMP) Policy D7 Design Quality and Section 12 (Achieving well designed places), together with paragraphs 124-132 of the NPPF and the National Design Guide are relevant. The Garden Town vision document, Charter and Checklist and the Somerset West and Taunton Design Guide consultation draft are also material considerations.

While the Somerset West and Taunton (SWT) Design Guide is not yet formally adopted, this document is intended to assist designers, and those reviewing design proposals, in achieving good urban design. Many of the principles and approaches set out in the consultation document represent acknowledged best practice. For this reason, despite the draft SPD's unadopted status which would perhaps prevent significant weight being given to specific wording, taken as a whole it represents a useful guide to best practice and how this could be locally interpreted.

Section 2.1 of the SWT Design Guide sets out the recommended design process, including a diagram entitled 'Sequence of considerations for design appraisal, negotiations & design statements'. The methodology suggests a hierarchical approach to design considerations, with broader considerations to be resolved at the start of the design process, with narrower considerations coming later.

*Sequence of considerations for design appraisal, negotiations and design statements (taken from SWT Design Guide)*

1. Context and Site
2. Structure
3. Building & Plot
4. Materials
5. Details

Given the strategic nature of this site, the design process is taking place over a number of years, with broader considerations around the site context and structure being considered in principle as part of the Outline application, with parameter plans setting expectations regarding access and movement, green infrastructure, scale, density and land use as part of the approval.

A condition (4) on the Outline application required the submission of a Site-specific Neighbourhood Masterplan and Design Guide. This document is intended to build on the approved parameter plans and provide a more detailed framework against which mid-level matters of design such as the proposed arrangement of development blocks, streets and spaces can be assessed. A Neighbourhood Design Guide for the Western Neighbourhood (Neighbourhood Design Guide) was discharged in March 2020 after several months of negotiations.

An Appearance Palette is also required by Outline condition (5) for each sub-phase. This in turn builds on the Neighbourhood Design Guide and provides a framework to assess narrower design considerations such as building design, building materials, surface materials, street furniture and tree species. An Appearance Palette for sub-phases H1A and H1B was submitted as part of the Neighbourhood Design Guide (pages 168-179) and was likewise discharged in March 2020.

This application is accompanied by a Compliance Statement setting out how the applicant believes the proposal accords with the parameter plans, Neighbourhood Design Guide and Appearance Palette.

*Context and Site*

Principles relating to site setting, landscape integration and mix of land uses were established at Outline stage and where appropriate secured through parameter plans.

This application now under consideration provides housing, including affordable housing, within the context of established principles. The proposed layout is in accordance with the approved parameter plan for land use.

*Structure*

Principles relating to the strategic network of green infrastructure, access and movement, appropriate density and heights were established at Outline stage and secured through parameter plans. The proposed layout is in accordance with these.

As highlighted in the comments from the Council's Garden Town Co-ordinator, the Comeytrove urban extension will deliver a comprehensive landscape and green infrastructure scheme, with substantial areas of open space and tree planting in line

with the Garden Town Vision. Much of this green infrastructure was approved under application 42/19/0053. This application also approved the strategic Sustainable Urban Drainage Systems (SuDS) and earthworks to create level building plots.

The SWT Design Guide states that the creation of a design concept, to identify key groupings, focal points/features, character areas, and street and space hierarchy is a very important stage in the design process. The Neighbourhood Design Guide sets out a framework regarding the creation of character areas and nodes, key frontages and groupings development of principles on development blocks, density and height ranges, development block structure, and street and space hierarchy for the Western Neighbourhood.

#### *Positioning of sub-phase H1B within the Western Neighbourhood*

Sub-phase H1B is situated within the Northern Slopes Character Area. The site access node is situated to the west of the sub-phase, with the primary access off the A38 leading to the primary street which runs through the centre of H1B. Housing Phase H1A and the Gateway Frontage adjoins the A38, the first impression that will be met on entrance to the site. The primary street within H1B form a secondary, but still important, part of the entrance vista.

The adjoining Employment Character Area situated to the west of H1B is also part of the entrance vista, with a local square to be provided between the employment area, H1B and the primary street. To the north-east a pocket park with play area will provide a green connection through H1C to the North Park (approved under application 42/19/0053). To the east of H1B, the primary street will continue through housing sub-phases H1E, H1D and H2A to the local centre.

#### *Northern Slopes Character Area*

The Neighbourhood Design Guide states that the development pattern in the Northern Slopes Character Area is to be determined largely through a response to topography, due to the hilly nature of this part of the site, which is being levelled in places but will retain a gradient of 1:12 within the building parcels. The general characteristics of this character area are:

- Leafy residential area; lower scale buildings on higher ground
- Formal streets, many of which follow contours
- Lower density around fringes
- Strong integration of green infrastructure
- Housing piercing the tree line

The Northern Slopes Character Area includes six housing sub-phases (H1A – H1F) so it is not expected that all sub-phases will contribute to every characteristic, rather the character area will include all elements with gradual progression in the characteristics of built form across the area.

As it is situated at the centre of the character area, the majority of streets on H1B are formal, and follow the contours of the topography in an east-west direction. This approach also enables the majority of houses in H1B to take advantage of passive solar gain and daylighting. Along the primary street formal repetition in the built form and street tree planting provides rhythm that will be repeated through H1D and H1E.

At the northern edge of H1B, adjoining H1A and H1C the dwellings start to become

a lower density, in anticipation of the expected lower density and more leafy character expected to the northern edges of the development.

In response to the topography, the buildings are stepped gently, preventing excessive areas of exposed wall, as demonstrated in examples within the SWT Design Guide.

Green infrastructure is strongly integrated, with trees provided on every street providing links with the many and varied parks and green spaces. This is in line with the expectations of the first principle of the Design Charter and Checklist, which expects that green infrastructure will be fully integrated into the design of new residential developments.

#### *Key Frontages and Groupings*

There are no key nodes/spaces within H1B, however the access node and associated Local Square adjoin to the west. The primary street travels into the site from the Local Square and so forms an important part of the entrance vista.

#### *Key Frontage – Primary Frontage*

As set out in the Neighbourhood Design Guide, the primary frontage is formal in nature and ensures rhythm and repetition of the built form. Interruptions in the continuity of the building line have been provided through the stepping forward of the building line at junctions, and through the use of rendered buildings providing accents. This provides greater enclosure of the street at junctions and is in accordance with the approach to minor street corners recommended by the SWT Design Guide. Enclosure of the street is also achieved through the use of larger street trees along the spine road.

A key building on adjacent H1E is expected to complete the vista with a focal point and provide termination of the view when travelling down the primary road towards the local centre. Overall, the primary street provides a suitable continuation of the entrance vista, and the part that H1B plays in contributing to the creation of a distinctive local identity has been articulated clearly.

There is a detailed objection from Placemaking to the positioning of T23 as it does not provide a suitable vista when approaching from a secondary street. The applicant has considered whether the plots could be repositioned as suggested, however removing gaps would prevent residents being able to gain rear access for refuse collection, which would be unacceptable. On balance, it is considered that considerable work has been put into creating a suitable entrance vista and rhythm for the primary street, and that the applicant's approach of prioritising these elements over a vista from a secondary street is acceptable.

#### *Key Grouping - Local Square*

The Local Square is primarily addressed by the adjacent employment character area, but will also be addressed by plots T1-T5 of H1B, and by adjacent housing on H1A. There is an objection from Placemaking to plots 1-5 as they are detached, and therefore do not provide the expected level of enclosure of the square, and to plot T1 as it is not of a sufficient height. It is noted that while plots 1-5 do not provide a continuous terraced frontage, the applicant has amended the layout to reduce the size of gaps between the dwellings.

The SWT Design Guide describes key groups as small groups of units at critical points in the townscape, stating that individual units should be closely grouped in terraces or other linked arrangements. The Neighbourhood Design Guide set expectations that the square include a taller employment building to the south, semi-detached housing to the north on H1A, and link-detached housing to the east on H1B. The housing is all separated from the square by roads, while the employment building fronts immediately onto the square.

The applicant has made the case that the employment building defines the public space and is intended to provide its primary relationship, and that street trees within the square will also form part of the definition of this space. However, while it is accepted that the employment building has the strongest relationship with the square, units T1-T5 play a supporting role, and these units are not delivering the expected level of enclosure.

The move from link-detached to detached on plots T1-T5 is a change in approach, that the applicant has advised is necessary reduce the need for rear access paths. Given that these paths would need include access from the primary street, it is reasonable to conclude there could be some security implications arising from such an arrangement. However, there are ways that this could have been addressed, such as a single access path through the centre of a terrace.

With regard to the height of T1, there is no expectation in Design Principles Plan within the Appearance Palette for H1A and H1B that T1 would be greater than a two storey building. The applicant has responded that this building is playing the expected role of a secondary key building, and has been differentiated through use of contrasting materials appropriately. The Design Principles Plan identifies a plot on H1A (to the north of the square) as providing a key building that will respond to the Local Square and form an important part of the entrance vista.

#### *Key Grouping - Pocket Park*

A 'pocket park' (small open space set within the housing) with play area is to be provided on adjacent H1C and development to the north east of H1B forms part of the key grouping for this park. The key building at plot T52 provides a focal point through the use of variation in materials and fenestration, assisting in terminating the view for the park and providing legibility.

There is an objection from Placemaking to the detailing and scale of T52. However, the applicant has responded, correctly, that rendered key and secondary buildings were provided with minimal detailing at the request of Placemaking. In the light of this the level of detailing cannot be considered unacceptable.

Consideration was given by the applicant to the inclusion of additional dwellings to accompany T52, and thereby increase the scale, however this approach would have required the addition of a private driveway into the park and so was decided against. As T52 is already a large 5 bedroom house it is not practical to increase its scale without adding additional units.

#### *Density and Scale*

The SWT Design Guide sets out how a density hierarchy can be delivered across a large site, with higher density housing to be located in close proximity to hubs and bus routes, with medium and lower density located respectively further away. The

Neighbourhood Design Guide progressed the density and scale parameter plans to provide greater detail over the densities and heights expected across the site.

Density and heights are expected to be lowest at the edges of the neighbourhood (low density, two storeys), with the highest density and heights (highest density, between 3-4 storeys) expected in the Local Centre. Between these two extremes the density and heights will gradually increase to provide a natural progression of development across the neighbourhood, in line with the expectations of the SWT Design Guide.

The density of H1B provides an average of 40 dwellings per hectare (dph), which is in line with the expectations that this site be medium density.

All dwellings on H1B are two storey. Dwelling height is expected to begin increasing on the adjacent phases H1D and H1E as the primary street progresses towards the local centre.

### *Development Blocks*

The Neighbourhood Design Guide sets out typical block types to be used, with the most relevant for H1B being 'Back-to back' being used to the south of the primary street, and 'Rear courtyard' to the north.

By primarily using 'Back-to-back' blocks (more commonly known as perimeter blocks) housing is surrounded by streets on all sides, giving a clear distinction between public and private space. This provides good security to both the public spaces, through natural surveillance, and the private spaces which cannot easily be accessed by potential intruders. It is described in the SWT Design Guide as "the optimum method of achieving higher densities at lowest height" and is supported by the Avon and Somerset Constabulary.

The proposed parking for the back-to-back blocks is located on the street side either on-plot or on-street parking that is closely related to the development it serves, also supported by the Avon and Somerset Constabulary.

The use of 'Rear courtyard' blocks to the north of H1B is a design response to the need to reduce the number of vehicular accesses over the shared pedestrian/cycleway. Plots fronting onto the primary street to the north retain their main access point to the street but parking is provided to the rear in small courtyards. The parking courtyards serve small groups and are accessed through passageways under Flats over Garage (FOG) units. This approach prevents gaps in the street scene and provides additional surveillance for the parking courts. For other streets making up the 'Rear courtyard' blocks the principles used for back-to-back blocks apply, making these development blocks as secure as possible.

The proposed block layouts makes use of corner turning buildings which positively address both directions with active frontages at T1, T5, T18, T21, T33, T40, T41, T48 and T67 – the vast majority of corners. Where corners are less prominent at T55 and T62 additional windows in the side elevations provide surveillance. This approach is in accordance with SADMP Policy D7, which requires that buildings turn street corners well.

### *Street Typologies*

The SWT Design Guide describes good practice principles, these include the creation of legible hierarchies of street (major to minor). The Neighbourhood Design Guide includes details of six street typologies, which work to create a hierarchy of roles and functions for the neighbourhood's streets, all of which include street trees. The aim is to provide legibility and variety through function, and changes in materials.

The proposed streets for H1B sit either side of the primary street which has previously been approved under 42/19/0053. The primary street is the main route through the site and as such is the widest, with larger trees to provide a sense of enclosure. A 'cycle street' is situated to the north of H1B (approved under 42/19/0053) and another is proposed travelling to the south-east of this sub-phase. These include shared pedestrian/cycle ways on one side of the street and are narrower than the primary street, with the dwellings set closer to the street, contributing to a sense of hierarchy. Street trees are regular but less formal.

The rest of the streets surrounding H1B are a mixture of garden lanes, mews and private drives. The garden lanes are narrower again, with similar set back of dwellings to the cycle streets and with the same approach to street trees. The 'mews' typology provides dwellings set close to the street at either end to provide a sense of entrance and enclosure, this is to be further defined through the use of variation in street surfacing. This leads to dwellings set further back from the road behind parking interspersed with feature trees.

Private drives are provided adjacent to area of open space to the north of H1B. These are narrow shared surfaces serving small groups of dwellings.

Overall, the proposed street layouts deliver the expected hierarchy and high level of street tree coverage.

### *Building & Plot*

#### *Building typologies*

The Site Allocations and Development Management Plan policy D7 requires developments to create a high standard of design by "creating places with locally inspired or otherwise distinctive character and materials." The SWT Design Guide also requires design to consider how to respond to, and create, local distinctiveness, which is defined as "the positive features of a place and its communities which contribute to its special character and sense of place".

The Neighbourhood Design Guide includes an analysis of local architectural style and materials which is required to inform the Appearance Palettes created for each sub-phase of the development. The analysis focuses on architectural styles and materials found in the centre of Taunton.

The H1A & H1B Appearance Palette provides guidance on the expected architectural appearance of buildings in H1B. It sets expectations for buildings in the primary frontage (along the primary street) and the secondary frontage (the rest of this sub-phase). The applicant has provided a Compliance Statement which explains how they have interpreted the guidance in the Appearance Palette.

Across H1B, dwellings are expected to be provided in a "traditional building form".

This has been interpreted by the applicant through the use of simple form and massing with rectangular floorplans.

There is a Placemaking objection to the proposed dwelling typologies on the grounds that they do not represent “traditional building form”, and that the dwellings should be closer related in height and width to historic buildings, which tend to have higher ceilings and sit on narrower plots. However, “traditional building form” is not a technical term and there is no set definition of how this should be interpreted. The applicant has responded that, while the scheme is based on standard house types, the elevations have been designed to reference the local character of Taunton, with detailing and materials interpreted from their studies in and around Taunton.

It is noted that the viability exercise that was carried out at the Outline stage assumed that the site would have standard build costs, which would assume the use of a standard house type product. It is considered that the applicant’s approach is in accordance with the requirements of Policy D7 and the SWT Design Guide. There is therefore no policy basis to require the reproduction of historic buildings on this site, and to do so could impact the viability, requiring renegotiation of affordable housing delivery.

There is also an objection from Placemaking on the grounds that there is no hierarchy in the scale, proportion and appearance of house types. Many of the houses on H1B are of the same type. However, it is important to remember that H1B is a small element of a much wider site, and that there are greater expectations of hierarchy when considered on a site-wide basis than within an individual sub-phase. As set out above, dwelling heights are expected to increase as development moves closer to the Local Centre (where development will have a minimum height of 3 storeys).

A further objection from Placemaking relates to the rectangular shape of all housing typologies, with no use of curved house types which could be used to create curvature in the street scene. The SWT Design Guide includes examples of the creation of curvature in the street, including through the use of curved buildings or through curved boundary walls. The proposal includes the use of curved boundary walls to create curvature to link T51, T52 & T53, which is where the proposal curves to address the pocket park. There is no policy basis to require the use of one accepted solution to the creation of curvature rather than another.

#### *Primary frontage*

The Appearance Palette requires dwellings in the primary frontage to have “a greater richness of detailing around openings and through use of materials including banding to support gateway frontage” (the gateway frontage being to the west on adjacent parcel H1A). The proposed dwellings include dog-tooth detailing around window openings and brick banding in contrasting materials, referencing detailing on historic buildings within Taunton.

The proposed roofing is expected to have a “greater level of detailing i.e. dormers, gables etc.” The majority dwellings on the primary street have simple pitched roofs, with use of cross gables on secondary key buildings. Chimneys are provided to plots in key locations. Dormers are expected to come into use on adjacent phases as the primary street moves towards the Local Centre. The detailing within the primary frontage meets the standard set in the Appearance Palette.

### *Secondary frontage*

The Appearance Palette requires dwellings in the secondary frontage to include “simple detailing and fenestration including horizontal banding to key groupings”. The proposed dwellings in the secondary frontage include banding to key grouping, for both market and affordable tenures, as well as banding and window detailing on prominent corner-turning buildings such as plots T5 and T18. FOGs are similarly provided with banding.

Roofing is expected to be simpler, which is reflected in the use of simple pitched roofs. The detailing within the secondary frontage meets the standard set in the Appearance Palette.

### *Gardens*

Garden size meets minimum expectations and standards, with all units excepting T49 (a two bed market flat) provided with an area of private external amenity space. This is a higher density part of the urban extension so gardens are not large, but where the density starts to reduce to the north of H1B garden sizes start to increase. Garden sizes are therefore considered acceptable.

### *Refuse and Recycling*

Hardstanding for bin storage is provided to the rear of all units. Where collection cannot be made from the immediate front of properties designated collection points are provided a short distance from properties. Paths provide rear access for terraced properties where necessary.

### *Parking and cycle storage*

As described above in the section ‘Development Blocks’, parking is provided in a mixture of parking courts, on-plot parking and allocated on-street parking. Visitor parking is also provided on-street. The level of car parking, and size of garages, is adequate to meet the requirements for phase H1B and is in line with the parking standards in Appendix E of the Site Allocations and Development Management Plan.

External storage of cycles is in garages and sheds, again this is in line with parking standards. Where cycles are stored in sheds these are located adjacent to access gates.

### *Materials*

#### *Building materials*

The SWT Design Guide states that the diversity and mixing of building materials is a feature of Taunton. It goes on to state that in the suburbs of Taunton, red (and to a lesser extent buff) brick and natural slate are dominant, but often supplemented and enhanced with stone dressings.

A palette of materials has been chosen that reflects these locally distinctive building materials. This includes walls of red and buff bricks (with detailing in contrasting colour), with render to key/secondary key buildings. Roofing materials are natural slate and brown roman tiles, chosen to minimise the visual impact of the urban extension when viewed from the Blackdown Hills AONB.

Streets generally have a dominant material to provide consistency, with the use of secondary materials to highlight or provide variety within the street scene. The materials assist in the creation of a hierarchy, with red brick and render used along the primary frontage, with more buff brick within the secondary frontage.

There is an objection from Placemaking on the basis that most of the materials to be used are man-made, with an over-dominance of red brick. However, the materials proposed are standard building materials in use today and there is no policy basis to seek all natural materials. The use of all natural materials would be very costly, affecting scheme viability. It is noted that the applicant has amended the previously proposed grey and red tiles, replacing them with natural slate and brown tiles at the request of Placemaking and Landscape.

The use of red brick as a primary walling material was established in the Neighbourhood Design Guide. Further, red brick is referenced as a dominant Taunton material within the SWT Design Guide. It is noted that at the request of officers the applicant has added buff brick to the scheme, so that this now includes all the locally distinctive materials identified in the SWT Design Guide.

As officers have yet to see samples of all proposed building materials, a condition is proposed (2) requiring that these be submitted. The condition allows for flexibility should there be a need to change materials during construction, which may be necessary due to the current nationwide shortage in stocks of building materials.

#### *Surface Materials*

The surfacing of hard landscaping in communal areas makes use of permeable paving, providing short term storage of surface water and reducing the rate of surface water run-off.

Details of surfacing materials for roads, footways, cycleways etc. can be conditioned, this approach continues the approach taken to infrastructure application 42/19/0053.

#### *Boundaries*

Boundary treatments in the primary street are hedgerows with black metal estate railings, as expected. This will provide a strong frontage to this primary route.

Within the secondary frontage hedgerows and shrubs are used to define the boundaries of front gardens. Within parking courts boundaries are softened using landscaping.

Where rear gardens adjoin the public realm brick walls are used (rather than fencing) to provide additional security and enhance the quality of the street scene.

#### *Details*

##### *Fenestration*

The proposed fenestration takes the form of panelled front doors with simple canopies, with casement windows. Bay windows are included on the key building at T52, and at T4. In general the windows are larger at ground floor than at first floor, adding some vertical hierarchy to the buildings. The windows serving habitable rooms generally have horizontal proportions, so are wider than they are tall.

There is an objection from Placemaking to the use of casement windows, stating that sash windows, or windows with vertical proportions, would be preferred as these would be more akin to the shape of windows on Taunton's historic buildings. The applicant has responded that the potential appearance benefits of windows with vertical proportions needs to be balanced against the likelihood of such openings being smaller in a modern dwelling than casement windows, requiring increased use of artificial lighting inside the dwelling and reducing ventilation opportunities. The use of non-standard windows would also introduce unanticipated costs, affecting scheme viability.

It is considered that given the location of H1B at a considerable distance from any historic assets that could require the use of historically accurate windows, there is no policy basis to require an alternative window style.

#### *Water butts*

Water butts are provided within the rear garden of each house, performing the dual purpose of reducing surface water run offs from roofs, and storing water that can be used for garden watering, reducing water consumption.

#### Landscaping

The proposal includes trees on every street, reflective of each street's position within the street hierarchy. The scheme also provides vertical planting (climbing plants) in front of screen walls. Hedgerow boundaries, shrubs and perennial plants are provided in front gardens, and within the public realm, with bulbs providing spring interest within public grassed areas.

The landscaping treatments are continued into parking courts, softening the appearance of these areas and taking the opportunity to provide managed trees to the rear of development blocks.

There is a Placemaking objection to the proposal due to the lack of inclusion of green roofs or walls. Such initiatives are more common in high density urban areas such as city centres, where there is limited space for more conventional planting. There is no policy basis under which these elements could be required at an urban extension which is providing significantly greater green infrastructure and open space across the wider site than is required by policy. Such measures would introduce unanticipated costs, affecting scheme viability. However it is noted that, as requested by Landscaping, the landscaping scheme does make a feature of vertical planting (climbing plants) against screen walls in the public realm and within parking courts.

Landscaping of the street to the south, where the affordable dwellings are located, is of the same standard in terms of spacing between trees and, planting types and stocks as elsewhere on the site. However, there is a Placemaking objection to the layout and level of landscaping proposed in the southern street on the basis that it prevents tenure blindness. It is noted the applicant has made significant changes to the quality of landscaping in this street and both Landscape and Housing Enabling Officers considered these sufficient to overcome their similar objections.

The Council's Landscaping Officer has worked iteratively with the applicant's landscape architects in drawing up the proposals, and it is considered the resulting

detailed landscaping proposals are of a high quality.

### Residential Amenity

#### Impacts on Neighbours

There are no existing immediate neighbours to H1B as it sits within the centre of the urban extension, and the proposal sets an appropriate standard regarding expectations for future phases.

#### Standard of amenity for proposed dwellings

Internal floorspace and layouts meet the space standards of SADMP Policy D10. The Housing Enabling Team have confirmed that the affordable units are of a satisfactory size and layout.

There is an objection from Placemaking to the size of windows in the living rooms of the proposed FOGs. The living room windows are of the wider than bedroom windows across the site, but of the same height. However, such arrangements are fairly common in flatted development and while a larger window would provide greater amenity the outlook (onto the street) is considered acceptable.

External amenity space is provided for the vast majority of dwellings, the only exception being T49, this unit being located in very close proximity to the pocket park and play area to be provided as part of H1C. This is considered acceptable.

There is sufficient space between the windows of dwellings to prevent unacceptable overlooking, and gable ends are positioned so as to avoid over-shadowing of neighbours.

Overall it is considered the proposed dwellings will provide a good standard of amenity for future occupiers.

### Conclusion and planning balance

The principle of development of an urban extension on this site, together with access connection to the existing road network and principle drainage issues, was agreed with the outline planning permission. The reserved matters application accurately reflects and builds upon the outline approval.

The proposal provides the first housing phase, including affordable housing that will deliver the first dwellings as part of this urban extension. The delivery of the urban extension will make a significant contribution towards meeting housing needs in Taunton and the wider council area.

There remain concerns and an objection from Placemaking to the proposal. There has been engagement by the applicant in pre-application discussions as well as amendments to plans during the application stage. A number of issues have been fully or partially resolved, however it has not been possible to fully resolve all the issues raised. Of those issues that remain, explanations have been provided by the applicant as to why they have chosen to progress this design for a decision without making changes. It therefore falls to consider the outstanding concerns against the potential benefits of the scheme.

As the Garden Town Co-ordinator has commented, this site has a lengthy history,

having first been identified for allocation more than a decade ago. The Outline approval was formulated before the Garden Town Vision, Design Charter and Checklist, however the Council have worked closely with the applicants on a comprehensive landscape and green infrastructure delivery scheme for the Comeytrowe site. The site is delivering substantial areas of open space and tree planting in line with the garden town vision.

This strategic allocation played a key part (along with allocations at Staplegrove and Monkton Heathfield) in the bid to secure Garden Town status for Taunton, as it enabled the Council to demonstrate it was possible to deliver substantial new housing around the town. The Comeytrowe site plays a significant role in delivering housing in SWT and is central to the Council's ability to demonstrate a 5 year housingland supply.

Lengthy negotiations, including in relation to viability, took place prior to the grant of Outline planning permission in 2019. Many of these negotiations pre-dated the designation of Taunton as a Garden Town. These resulted in the grant of Outline permission delivering 2,000 dwellings, 17.5% to be affordable. Following this, funding was secured from Homes England to deliver 'additionality' affordable housing on the site, this funding will increase the level of affordable provision to 35%, but is time limited.

The fundamental concerns raised by Placemaking relate to the architectural appearance of the proposed dwellings, and materials to be used. It is acknowledged that the approach requested by Placemaking would be visually appealing, and would create a distinctive urban extension. However, the use of bespoke house types and expensive materials has not been budgeted for in the viability work, which was undertaken prior to the designation of Taunton as a Garden Town.

To require a change in approach to architectural appearance at this stage would result in the need to re-open viability negotiations, this would be likely to lead not only to the loss of the time limited 'additionality' affordable housing but also a reduction in affordable housing delivery across the site. It is possible that increased build costs could be reflected, at least in part, in higher sales values for market dwellings, however this would likewise result in the market dwellings being less affordable to local people.

When assessing the design that has been proposed holistically, taking into consideration its place within the strategic site and its relationship to adjacent sub-phases, there is much to recommend it. The applicant has undertaken a design appraisal approach that is very much in accordance with the draft SWT Design Guide. The approach to street and green infrastructure hierarchies, the level and quality of landscaping are at the level that would be expected from a Garden Town. On-plot SuDS measure are included. The development blocks are well designed and secure, oriented to take advantage of passive solar gain and daylight. While the architectural appearance does not meet the high aspirations of Placemaking it does deliver locally distinctive detailing and materials, and will provide good standards of amenity for future occupants.

This application would deliver housing, including affordable housing, and its positive determination in a timely manner would keep delivery of the 'additionality' affordable

homes on track. Having had regard to the representations of objection and support and the advice of the various consulted parties, it is considered that the benefits of the scheme significantly outweigh the impacts. Overall, within the parameters set by the outline consent, the proposal represents sustainable development.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

**Contact Officer: Ursula Fay**

09/20/0006

Mr Trevor and Mrs Lisa Morrow

**Formation of vehicular access, gates and associated parking area plus hard landscaping consisting of patio areas, retaining walls and steps at The Old Waterworks, Chipstable**

Location: THE OLD WATERWORKS, CHIPSTABLE ROAD, CHIPSTABLE,  
TAUNTON, TA4 2PZ

Grid Reference: 304413.127269

Full Planning Permission

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Conditions (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo 202036 001 Location and block plan  
(A3) DrNo 202036 003 Proposed Drawings

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to first use the proposed access over at least the first 6 metres of its length, as measured from the edge of the adjoining highway, shall be properly consolidated and surfaced (not loose stone or gravel). Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety.

4. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway. Such provision shall be installed prior to first use and thereafter maintained at all times.

Reason: In the interests of highway safety.

5. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 20 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only.

Reason: To allow a vehicle to wait off the highway while the gates are opened or closed and thus prevent an obstruction to other vehicles using the highway, in the interests of highway safety.

#### Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
2. Having regards to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. The alteration of the access and/or minor works will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager.

## Proposal

It is proposed to provide a new access to the north of the dwelling by removing an existing post and rail fence and a section of soil in order to enter the site. The existing bank to the north will be regraded to a maximum height of 900mm on each side of the access to provide a visibility splay. The first 6m of the access from the edge of the highway will be a consolidated surface. This will lead to a parking area which will be about 40sqm in area and have a permeable surface. 1.5m high boarded bifolding entrance gates will be hung to open inwards and will be set back a minimum of 5m from the access onto the highway. A rendered block retaining wall will be constructed to the north of the parking area with a similar retaining wall to the south.

A retaining wall constructed with gabion baskets faced with localised stone will be erected on higher land to the east of the parking area parallel with the dry stone wall and then continue to the east of the rear of the dwelling. This wall will be about 3m high.

To the rear of the dwelling a section of bank will be removed and there will be a proposed patio area formed with flagstones.

## Site Description

The Old Waterworks was formerly a water treatment works building owned by Wessex Water which has been converted to a dwelling under planning permission 09/16/0006.

It is a rendered single storey dwelling effectively comprising two dual-pitched slate roof gables connected with a flat roof link with a timber entrance door and aluminium patio doors and windows. The roadside elevation is a mixture of stone wall, post and rail fencing and hedging. An access and parking area lies in the south-west corner of the site forward of the front elevation of the dwelling. It has curved stone wall sides and a permeable paved surface with an access drain where it meets the highway. This is an improvement on the existing access at this point which was used by Wessex Water.

The Old Waterworks is situated within Chipstable to the north of the centre of the village.

## Relevant Planning History

09/16/0002 - change of use and conversion of water treatment works to a single storey dwelling, with extensions to the north and west elevations and a detached cycle store to the north. Refused 11/4/2016.

09/16/0006 - Change of use and conversion from water treatment works to single storey dwelling with extensions to north and west elevations - conditional approval 4/11/2016.

09/19/0007/NMA - non-material amendment to application 09/16/0006 for changes to parking and associated matters, bi-fold doors and velux and internal layout - conditional approval 18/7/2019.

09/19/0012 - change of use of land from agricultural to domestic (retention of works already undertaken) - conditional approval 25/3/2020. Condition 2 removing permitted development rights for outbuildings on the land subject to the change of use has been appealed to the Planning Inspectorate. This appeal is ongoing.

06/20/0005/HHN - Prior approval for a larger home extension to the rear

## Consultation Responses

*SCC - TRANSPORT DEVELOPMENT GROUP* - Whilst the principle of the new access is acceptable as it creates better visibility splays than the existing access point in the SW corner of the site and is therefore beneficial in highway terms, the Highway Authority will not agree to removal of highway rights as detailed on the

submitted plans. In the event of permission being granted, I would recommend that the following conditions are imposed:- 1) Prior to occupation the proposed access over at least the first 6 metres of its length, as measured from the edge of the adjoining highway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times. 2) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before occupation and thereafter maintained at all times. 3) The existing access in the SW corner of the site shall be closed to all traffic and its use permanently abandoned within 3 months of the new access hereby permitted being first brought into use. 4) There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 20 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times. A note regarding the need for a Section 184 Permit should also be added to the permission.

Later comments from Highways changed their position on the closure of the existing access - the road is a quiet unclassified rural route and there is no wish to hinder Wessex Water accessing their plant. Closing the access would mean they had to find somewhere else to park which may create problems elsewhere.

*CHIPSTABLE PARISH COUNCIL* - The Parish Council have looked at this and have no comments to make.

*WESSEX WATER* - No comments received to date.

## **Representations Received**

None received.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

DM1 - General requirements,  
D5 - Extensions to dwellings,

## **Local finance considerations**

### **Community Infrastructure Levy**

The proposal is not liable for CIL.

## **Determining issues and considerations**

The determining factors for consideration are the affects on the amenities of neighbours, the appearance of the development and the impact on the street scene and highway implications.

Due to the isolated position of the dwelling the proposed development will have no affect on residential amenity.

The rendered block walls will have a varying height ranging from 2.5m high to 1.3m high within 4m of the edge of the highway. The gabion walls will be 3m high in order to retain the bank of land in the east of the site. These proposed works including the parking area off the access and the patio area to the rear (east) of the dwelling will introduce a large element of hard landscaping into the site, particularly with the addition of a 6m single storey extension to the rear which is considered to be permitted development (under 09/20/0005/HHN. However, the hedging along the western boundary will screen much of the development from the view from the highway and the timber bi-folding entrance gates will be kept below the height of the existing fencing so will not dominate the street scene and will be set back 5m from the access in line with highway safety requirements which will further reduce their visual impact. The gabion wall will blend in with the dry stone retaining wall to the east and the rural nature of the site whilst a line of saplings have been planted along the northern boundary which will over time help further soften the impacts of the development. In addition, it is noted that under planning permission 09/19/0012 the domestic curtilage has been extended to the east. With a condition on this land imposed to control the development of outbuildings (although it is noted that this is currently subject to an appeal) this should help to ensure that the curtilage remains largely rural and will help to preserve the rural character of the site.

The new access and parking is required as, although the approved plans for 09/16/0006 show the parking area to the south-west of the site as being suitable for the parking of two cars, in practice only one vehicle comfortably fits onto the paved parking space and being a family of six, with deliveries and visitors, an extra off-road parking area with access from the road is required. Being a single lane rural route there is no on-street parking provision so off-road parking is required for highway safety. The size of the new parking area will allow parking for two to three cars plus some vehicle turning making the new access safer to use as it will be easier to exit and enter the highway in a forward gear. Highways consider that the principle of the new access is acceptable as it creates better visibility splays than the existing access. The conditions recommended by Highways will be added if permission is granted to ensure highway safety is maintained.

The new access and parking provision is proposed to be in addition to the existing access. Although initial comments from Highways recommended a condition to close the existing access, this recommendation has been rescinded in order to allow safe access by Wessex Water onto the site. Wessex Water's plant is situated within the existing parking area and is inspected regularly, currently on a monthly basis, by Wessex Water as the water controlled from this site serves the village. If this access was not retained finding a safe parking space elsewhere by Wessex Water could create problems elsewhere. In addition, the existing access can be used for the safe unloading of deliveries.

It is considered that the proposed development is acceptable and in accordance with policy DM1 of the Taunton Deane Core Strategy and policy D5 of the Taunton Site Allocations and Development Management Plan. It is recommended for conditional approval.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

**Contact Officer: Mrs S Wilsher**

## DECISIONS – 25 JUNE 2020

**Site:** VALLEY COTTAGE, SAWYERS HILL, WEST BUCKLAND,  
WELLINGTON, TA21 9JZ

**Proposal:** Removal of Condition No. 11 of application 46/04/0020 to allow property to be occupied as a single dwelling house at Church View, Sawyers Hill, West Buckland (resubmission of 46/17/0052)

**Application number:** 46/19/0004

**Reason for refusal:** Appeal – Dismissed



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### Appeal Decision

Site visit made on 26 January 2020

**by L J O'Brien BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5<sup>th</sup> June 2020**

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### Appeal Ref: APP/W3330/W/19/3239808

**Church View, Sawyers hill, West Buckland, Wellington TA21 9JZ**

- 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 conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Richard Gale against the decision of Somerset West and Taunton Council.
  - The application Ref 46/19/0004, dated 31 January 2019, was refused by notice dated 3 June 2019.
  - The application sought planning permission for conversion of store building into holiday let without complying with a condition attached to planning permission Ref 46/2004/020, dated 8 July 2004.
  - The condition in dispute is No 11 which states that: the occupation of the building shall be restricted to bona fide holidaymakers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.
  - The reason given for the condition is: the Local Planning Authority is not prepared to allow a permanent residential site to become established because of the inadequate size of the building and wish to ensure that the approved accommodation is available for tourism.
-

## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. In 2019 West Somerset Council merged with the former Taunton Deane Borough Council to form Somerset West and Taunton Council. The relevant adopted Local Plan in this case remains the Taunton Deane Borough Council Adopted Core Strategy 2011 – 2028 (CS).

## Background and Main Issue

3. The appeal property, Church View, is a single storey, two-bedroom dwelling located on the edge of West Buckland. The building is currently in use as a holiday let. The building was converted from a storage building to a one-bedroom holiday let in 2004 and has subsequently been extended.
4. The proposal is for the removal of a restrictive occupancy condition which would allow the property to be occupied as a permanent residential dwelling. The reason for the original condition in 2004 was because the Council considered the building itself too small to be a permanent residential dwelling and also due to the Council's wish to keep the accommodation available for tourism.
5. The Council refused the application to remove the condition and believe the condition remains necessary as the site is not considered to be an appropriate location for a permanent dwelling due to its position in the open countryside.
6. Consequently, the main issue is whether the condition restricting the use of the building to holiday accommodation is necessary and reasonable having regard to whether or not the proposed development would occupy an acceptable location for a permanent residential dwelling.

## Reasons

7. Church View, is situated within a rural location outside of the development boundary of West Buckland; a small rural village. A small cluster of other properties surround the appeal property and a Church and surrounding field and greenery forms the visual backdrop of the site.
8. Policy SP 1 of the CS sets out the settlement hierarchy for the area and identifies existing settlements as well as setting guidelines for development which is acceptable. The policy states that outside of the settlements, proposals will be treated as being within open countryside. The appeal site is outside of an existing settlement, it is therefore, in policy terms, within the open countryside.
9. Policy DM 2 of the CS: Development in the Countryside, sets out the uses which will be supported outside of defined settlement boundaries. The proposal does not fall within any of the exceptions which would make the principle of a permanent residential dwelling in this location acceptable. The policy is clear that outside of settlement boundaries, national policy regards the re-use or continuation of buildings in economic or community uses as generally preferable to conversion to residential uses and therefore applies a sequential approach to such conversions.
10. The sequential approach sets out that the priority order is as follows; community

uses, class B business uses, other employment generating uses, holiday and tourism, affordable, farm or forestry dwellings, community housing and, in exceptional circumstances, conversion to other residential use.

11. The current, lawful, use of the appeal site is as a holiday let. However, this use has not been active since around 2013. The appellant suggests that the holiday lets are not financially viable or needed and argue that criterion 7 (iv) of policy DM 2 has been exhausted and therefore the next uses within the sequential approach must fall to be considered.
12. The evidence before me suggests that, whilst a loss was made in three of the eight years of operation, the remaining five years returned a marginal profit. However, I have not been provided with detailed evidence outlining the strategy which was used to market the property during this time and, in my view, I do not have sufficient substantive information to evidence that the holiday let was robustly marketed.
13. In any event, the evidence before me is that for the majority of operational years the business was profitable, albeit at a small scale. I note that these figures do not include any outgoings for caretaking, cleaning or facilitating change overs as this was undertaken by the appellant. However, such arrangements are not, to my mind, unusual in the context of a small business and without further detailed information around the potential future cost of such services being provided by another party I cannot reasonably conclude that these potential additional costs would be sufficient to tip the balance and render the accommodation financially unviable.
14. Furthermore, as the property has not been let or marketed since 2013/2014 the evidence provided is significantly outdated and it is therefore extremely difficult to reach a reliable determination as to the viability of the business in the current economic conditions. Moreover, the appellant's evidence states that the building was extended in January 2011. Therefore, for the vast majority of the years the business was operational the building was smaller than is currently the case and, in my view, the extension could make a difference to the potential income. Whilst I have had regard to the up to date Hosesons income projection appraisal provided by the appellant, I have not been provided with up to date costings or outgoings against which to qualify the income projections and, consequently, this information does not provide a full picture of the potential viability of the business.
15. In addition to the evidence provided with regard to the viability of the extant business, the appellant has also provided a number of marketing appraisals to support the argument that the holiday business is not a desirable acquisition. Ongoing attempts to sell the property over a number of years have not been successful. I recognise that the sale of the property has been marketed in a number of ways and acknowledge that the price has been lowered in order to secure a sale and to reflect the restrictive condition. However, as the business use ceased in around 2013, the property being marketed is not an active business and I consider this may be a factor in the lack of a sale. Irrespective of whether or not the holiday let is a desirable investment and can be sold as such, I do not consider that I have sufficient evidence to conclude that the holiday business is, itself, unviable.
16. Based on the evidence before me, I am not persuaded that there is no longer a demand for this kind of accommodation in the area and I have not been provided

with a degree of detail to enable me to conclude that the business as a whole is no longer viable. As such I consider that criterion 7 (iv) of DM 2 and the preferred use of the building has not yet been fully exhausted.

17. Policies SP 1 and DM 2 are further supplemented in their aims to promote sustainable patterns of development by Policy CP 1 of the CS. Policy CP 1 sets out that development proposals will be required to demonstrate that the issue of climate change has been addressed by, amongst other things, reducing the need to travel. The supporting text to the policy goes on to say that directing development to the most sustainable locations and reducing the need to travel through the CS Spatial Strategy will have an impact on climate change at the local level.
18. The appellant states that the appeal site is within a seven-minute walk of a pre-school, primary school, church, play area and playing field. However, the roads in the area do not have regular, accessible or continuous pavements and these characteristics are likely to discourage pedestrians and cyclists; thus increasing the reliance on private motor vehicles.
19. Other key facilities and local services are further from the site and those living within the area, therefore, are highly likely to rely upon facilities and services within other larger settlements. Moreover, there is a distinct difference between the day-to-day needs of holiday makers and those who occupy a residential dwelling in terms of accessing services and facilities. Permanent residents, for example, would have a general reliance on local services such as schools and health care services. Given my findings in relation to the likelihood of car use, this would result in a significant number of trips over and above those associated with holiday accommodation.
20. I therefore consider that, even if the sequential approach outlined under policy DM 2 was considered to have been exhausted the tests within policy CP 1 would fail to be met.
21. I therefore conclude that the condition restricting the use of the building to holiday accommodation is necessary and reasonable as, in policy terms, the preferred uses within the open countryside have not been fully exhausted and the building does not occupy an acceptable location for a permanent residential dwelling. Accordingly, the proposal would conflict with the aims of policies SP 1, DM 2 and CP 1 of the CS which set out the settlement hierarchy and the criteria which must be met in order for residential accommodation within the open countryside to be permitted.

## **Other Matters**

22. I note that the original condition was imposed as, at that time, the Local Planning Authority was not prepared to allow a permanent residential site to become established because of the inadequate size of the building and also wished to ensure that the approved accommodation was available for tourism. These reasons did not form part of the reasons for refusal for the application which is the subject of the appeal before me and I have no evidence to suggest that this is in dispute.
23. I note the appellant's reference to the Inspector's finding in a 2015 appeal APP/D3315/C/15/3005229. Whilst the full particulars and background to the previous appeal are not before me, I have had regard to the decision taken in that instance and to the conclusion reached regarding the application of policy DM 2. Policy DM 2 specifically states that it relates to 'uses'. Whilst the dwelling in this

case has already been built and the physical works required would be minimal, I consider that should condition 11 be removed a change to the planning character of its use would be facilitated. I therefore consider this policy is engaged in my consideration of the appeal before me.

24. Notwithstanding that the proposal might accord with CS Policy CP 8, this does not outweigh the conflict with the development plan as a whole.
25. I acknowledge that there appears to be some degree of local support for the proposal and recognise that effective re-use of existing buildings is actively encouraged by Government policy. I recognise the benefits of the scheme in respect of striving to meet the Government's aim to significantly boost the supply of homes. I also acknowledge the economic benefits of engaging local professionals, trades and suppliers and the ongoing benefit of the occupiers of the dwelling utilising local facilities thus contributing positively to the viability of the village. However, those benefits would be very modest given the small scale of the proposal and must be set against the conflict with the development plan to which I attach significant weight.
26. Whilst the appellant makes reference to the existence of a number of other schemes which could be considered similar, the circumstances in each case are likely to be different. For example, appeal reference APP/D3315/W/17/3179264 was for the erection of up to 205 new dwellings and APP/D3315/A/14/2228193 was for a new dwelling and not the removal of a restrictive condition to facilitate use as a permanent residential dwelling. Whilst I am unaware of the full background to the appeal, appeal reference APP/D3315/C/15/3005229 would appear to have followed a different procedure and, in any event, the evidence put to the Inspector in that case appears to be different from that in this appeal. I have also been provided with a scheme approved by the Council (28/15/0009), once again I am unaware of the full details in this instance, however, it would appear that in this case the Council deemed the sequential test under policy DM 2 to have been effectively applied. The context in these cases was, therefore, notably different to this appeal. In any event, each case must be treated on its own merits and the existence of other examples is not sufficient reason to justify a development which I consider in itself to be inappropriate.
27. I have given careful regard to all of the above considerations. However, none are sufficient to dissuade me from the conclusions I have reached that the condition restricting the use of the building to holiday accommodation is necessary and reasonable as the building does not occupy an acceptable location for a permanent residential dwelling. The other considerations presented by the appellant do not outweigh the conflict with the development plan I have found in this instance.

## **Conclusion**

28. For the reasons given above I dismiss the appeal.

*L J O'Brien*

INSPECTOR

**Site:** Land at Cruwys's Cross, Langley Marsh, Wiveliscombe, Somerset

**Proposal:** Erection of an agricultural building for storage on land at Cruwys's Cross, Langley Marsh (resubmission of 49/19/0034)

**Application number:** APP/W3330/W/20/3246056

**Reason for refusal:** Appeal – Allowed



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## Appeal Decision

Site visit made on 26 May 2020

**by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)**

an Inspector appointed by the Secretary of State

**Decision date: 12 June 2020**

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### Appeal Ref: APP/W3330/W/20/3246056

**Land at Cruwys's Cross, Langley Marsh, Wiveliscombe, Somerset, Grid Ref Easting: 307860 Grid Ref Northing: 129096**

- 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 & Mrs Darren Smith against the decision of Somerset West and Taunton Council.
  - The application Ref 49/19/0052, dated 16 September 2019, was refused by notice dated 14 November 2019.
  - The development proposed is described as the erection of a general purpose agricultural building for the storage of agricultural machinery and preserved fodder.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a general purpose agricultural building for the storage of agricultural machinery and preserved fodder at Land at Cruwys's Cross, Langley Marsh, Wiveliscombe, Somerset, in accordance with the terms of the application, Ref: 49/19/0052, dated 16 September 2019, subject to the conditions in the attached schedule.

### Procedural Matters

2. There are discrepancies between the appeal site address and descriptions of development on the Council's decision notice and the original application form and appeal form submitted by the Appellant. For consistency, I have used the address and description of development from the Appellant's appeal form in the banner at the top of this decision letter.

## Main Issue

3. The main issue in this appeal is whether the proposal would constitute an appropriate form of development with particular regard to the provisions of local policy in respect of the location of the development and the effect of the proposal on the character and appearance of the surrounding area.

## Reasons

4. The appeal site comprises a parcel of sloping agricultural land located adjacent to Cruwys's Cross. The appeal site is not located within any settlement boundary and, by reason of the high hedges, narrow lanes and predominately open nature of the surrounding landscape, is located within the countryside for planning purposes. The evidence before me indicates that the appeal site extends to approximately 1.6 acres (0.65 hectares) in area.
5. Policy DM2 of the Taunton Deane Borough Council Adopted Core Strategy 2011-2028 (the Core Strategy) seeks to control development within the countryside, setting out those forms of development that would be considered appropriate outside of settlement boundaries. The supporting text to Policy DM2 of the Core Strategy explains that the restrictions are in place to protect and enhance the quality of local landscapes whilst promoting sustainable patterns of development and allowing for economic growth and diversification.
6. Criterion 4 of DM2 of the Core Strategy provides that new agricultural buildings which are commensurate with the role and function of the relevant agricultural unit will be supported. There does not appear to be any disagreement between the main parties that the land comprises a separate, albeit modestly sized, agricultural unit. However, it has been put to me by the Council that, the scale of the proposed building would not be compatible, and therefore commensurate, with the size of the agricultural unit.
7. The Appellants' submissions indicate that the building would be required for the storage of hay and machinery used for the production of the hay crop as well as for maintenance of the agricultural unit. In this regard, the Appellants maintain that the machinery would be of a small scale that is appropriate for smaller agricultural holdings and that the unit would produce approximately 316 hay bales annually.
8. A block plan has been provided by the Appellants which indicates that the proposed building would provide just enough floorspace for the siting of the machinery, equipment and hay bales, whilst allowing for some limited space in order to provide access to the various pieces of equipment and to allow access for maintenance of the machinery. The height of the barn is not unusual given the proposed use of the structure and in the context of similar agricultural buildings in the local area.
9. Whilst I acknowledge the concerns of interested parties that the number of hay bales that the unit could produce annually has been overestimated, I have not been provided with any substantive evidence which brings into doubt the details provided by the Appellant. It is further noted that the Council have raised no concerns regarding the estimated level of hay that could be produced annually from the unit, nor any concerns that the equipment that is to be stored on site is not appropriate for the size and agricultural use of the holding.

10. In light of the above, it has been demonstrated that the proposed building would be commensurate with the role and function of the agricultural unit and therefore the proposal would accord with the exception to new development in the countryside as provided for under criterion 4 of Policy DM2 of the Core Strategy.
11. Policy CP8 of the Core Strategy deals with the environment and provides that, amongst other things, unallocated greenfield land outside of settlement boundaries will be protected and where possible enhanced. It also provides that development within such areas will be strictly controlled in order to preserve the environmental assets and open character of the area but provides that where development outside such boundaries takes place, it must comply with other criteria.
12. The criteria included under Policy CP8 of the Core Strategy provide that the proposal must accord with local and national policy for development within rural areas and be appropriate in terms of scale, siting and design. For the reasons given above, I have already concluded that the proposal would be commensurate with the role and function of the agricultural unit and would accord with the provisions of Policy DM2 of the Core Strategy and would therefore be of an appropriate scale. The siting of the proposed building would be in the north eastern corner of the field and close to the point of access, thereby retaining the predominately open nature of the associated land and, consequently, would therefore be appropriately sited within the appeal site.
13. Furthermore, whilst the proposal could be seen from the adjacent highways and from within the wider surrounding landscape, the proposed building would have the appearance of an agricultural barn and would be typical of modern agricultural buildings which are part and parcel of a working farmed landscape and which do not appear out of place within its surroundings. Through careful consideration of the external materials to be used in the construction of the proposal and by including appropriate landscaping measures, in my view, the appeal scheme would be appropriate in terms of design and would not be harmful to the surrounding landscape character.
14. In addition to the above, by reason of its appearance as a typical modern agricultural barn, the proposal would not diminish the open agricultural gap that exists between Langley and Langley Marsh and would therefore conserve the surrounding landscape character. There is no evidence before me that the proposal would increase the risk of flooding or would be harmful in terms of impact on protected species or habitats.
15. In summary of the above, I have found that the proposal would be commensurate with the role and function of the agricultural unit and would conserve the landscape character and appearance of the surrounding area. The appeal scheme would therefore accord with the provisions of Policies DM2 and CP8 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 the open character of the area, including maintaining the open breaks between settlements.

## **Other Matters**

16. I have had regard to the presence of the nearby Grade II listed building at Cruwys Farmhouse and the need to give special attention to the desirability of preserving the setting of listed buildings. In this respect, I consider that the degree of separation between the listed building and proposed development is sufficient that no harm to the significance or setting of the heritage asset would arise.

17. Interested parties have put it to me that the appeal scheme would also have an adverse impact in terms of highway safety, would result in the loss of important hedgerow and that the building would not be used for agricultural purposes.
18. In respect of the use of the proposed building, a condition could be attached to any planning permission which required that the use of the building be restricted to agricultural only and, in the event that the building was not used for such a purpose then that would be a matter for enforcement. Furthermore, it is noted that the site is currently in agricultural use and, as I observed on my site visit, the lane adjacent to the appeal site was already used by agricultural traffic. The proposal would not significantly increase the level of use of the lane and in the absence of any concerns from the Highway Authority, I conclude that the proposal would not have an adverse effect on highway safety.
19. Finally in relation to the above, whilst I acknowledge the comments and concerns of interested parties with regards to the loss of hedgerow, the evidence before me indicates that access to the site was already in place and that the proposal does not seek to remove any of the hedgerow which is to be found at the appeal site. I therefore do not consider that the proposal would have a harmful effect in respect of these matters.

## **Conditions**

20. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord. I further find it reasonable to include conditions requiring details of any landscaping, external finish and materials, be agreed with the Local Planning Authority, in the interests preserving the character and appearance of the surrounding area. Furthermore, and also in the interest of preserving the character and appearance of the surrounding area, it is reasonable to include a condition that restricts the use of the proposed building to agricultural use.
21. Where necessary, and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance. The wording of the pre-commencement conditions has been agreed by the Appellants.

## **Conclusions**

22. For the reasons given above, the appeal succeeds and planning permission granted subject to conditions identified.

*A Spencer-Peet*

INSPECTOR

## Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby approved shall in all respects accord strictly with drawing numbers: 001 – Location Plan, 002 – Site Plan, 003 – Elevation Drawings, 004 – Floor & Roof Plan and 005 – Block Plan, received by the Local Planning Authority 19 September 2019.
- 3) Prior to the agricultural building hereby approved being erected on site details of the external appearance and materials, including the final colour shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.
- 4) The building hereby permitted shall only be used for purposes of agriculture in connection with the associated agricultural unit and for no other purpose.
- 5) No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority.  
The landscaping scheme shall provide written specifications including:
  - Details of all existing trees and hedgerows on the land (including boundaries), showing any to be retained and measures for their protection to be used in the course of development
  - Full schedule of plants
  - Details of the mix, size, distribution and density of all trees/shrubs/hedges

All planting or seeding comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development. Notice shall be given to the Local Planning Authority when the approved scheme has been completed.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species as those originally planted.

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

**Proposal:** Erection of dog kennel and log store at Fairfield Stables, Moor Lane, Churchinford

**Application number:** 10/19/0011

**Reason for refusal:** Appeal – Allowed  
Costs – Dismissed



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## Appeal Decision

Site visit made on 28 May 2020

**by David Wyborn BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 June 2020

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### **Appeal Ref: APP/W3330/W/19/3243730**

**Fairfield Stables, Moor Lane, Churchinford TA3 7RW**

- 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 Ms S Lock against the decision of Somerset West and Taunton Council.
  - The application Ref 10/19/0011, dated 29 March 2019, was refused by notice dated 7 October 2019.
  - The development proposed is the erection of dog kennel and log store.
- 

## Decision

1. The appeal is allowed and planning permission is granted for the erection of dog kennel and log store at Fairfield Stables, Moor Lane, Churchinford TA3 7RW in accordance with the terms of the application, Ref 10/19/0011, dated 29 March 2019, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the approved plans: Drawing Nos, 200.10 Rev C, 200.12 and 200.13 Rev B.
  - 3) No dogs other than those kept for breeding purposes shall be kept on the site and the total number of dogs across the combined area consisting of the area approved under Council application Ref 10/16/0028 at appeal (APP/D3315/W/3172566) and the area the subject of this appeal (Council Application Ref 10/19/0011) shall be limited to no more than 15 breeding bitches and their puppies awaiting sale.

## Application for costs

2. An application for costs was made by Ms S Lock against Somerset West and Taunton Council. This application is the subject of a separate Decision.

## Procedural Matters

3. The application form describes the proposal as "Regularisation and extension to Dog Breeding Enterprise". However, regularisation is not an act of development. The supporting statement includes a section titled "The Proposal". This sets out that the proposal is to erect housing, in the form of 8 kennels, to the north east of the stable block adjacent to the existing set of kennels. The red line of the application site includes this area for the proposed 8 kennels and also an area for a log store. Plans have been submitted for the log store.
4. The Council described the proposal as "the erection of dog kennel and log store". As this description is also used as the heading in the appeal statement by the appellant, I consider that no party would be prejudiced by this description of the development.
5. Planning permission was granted at appeal for commercial dog breeding in August 2017<sup>1</sup> (the 2017 appeal decision). That decision is subject to condition 5 which limits the number of dogs on the site to no more than 15 breeding bitches and their puppies awaiting sale.
6. The appellant makes the case that the present proposal would not increase the number of dogs compared with the 2017 appeal decision, but also seeks to persuade me that, because it is argued that there were 3 stud dogs present at the time of the earlier appeal and subsequently, a planning condition should be attached to any approval that would allow the 3 stud dogs, in addition to the 15 breeding dogs and their puppies awaiting sale. However, the present proposal is not an application to seek to vary a condition on a previous approval. In these circumstances, as part of this appeal, I would not be able to procedurally vary the condition limiting the number of dogs on the site on this other approval<sup>2</sup>. I therefore intend to determine the application based on the case that the number of dogs on the overall site would be the same as that specified by condition 5 in the 2017 appeal decision.

## Main Issues

7. Having regard to the reason for refusal and the statements from the main parties, I consider that the main issues are:
  - whether the need for the kennels has been justified, with particular regard to the location within the Blackdown Hills Area of Outstanding Natural Beauty (the AONB).
  - whether the proposal would conserve or enhance the tranquillity of the AONB, having particular regard to any noise impacts.

## Reasons

### *Need*

8. The site has permission for the commercial breeding of dogs and this use has taken place over the past years. I saw at my site visit the various buildings and layout. I have made my assessment of the need for the additional accommodation based on the existing kennels permitted in the 2017 appeal decision as my

attention has not been drawn to any planning approval for further kennels since that time.

9. It is explained that the additional housing would be used for whelping and for the young, post weaning, to enable them to be housed away from the mother, prior to being sold. The site is licensed by the Council and the information indicates that the additional purpose built accommodation would assist with the appellant becoming an assured breeder in line with Kennel Club advice.

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<sup>1</sup> APP/D3315/W/17/3172566 (with the accompanying enforcement appeal APP/D3315/C/16/3149290)

<sup>2</sup> I am aware of an application submitted to the Council to seek to vary this condition

10. The additional kennels would be positioned such that they could be operated in association with the other buildings and appear to be designed so that they would be fit for purpose. The extent of the proposed kennels in addition to those permitted in 2017 would not be unreasonable given the number of dogs allowed on the site and with regard to best practice to house puppies prior to being sold. The evidence leads me to conclude that there is a need for the additional kennels to accord with good practice and assist with the sustainability of the business.
11. The building would not cause harm to the character and appearance of the area as it would be sited in proximity to the existing group and be of a size and scale which would not appear out of place in the context of the existing site. In these circumstances, there would be no harm to the landscape and scenic beauty of the AONB<sup>3</sup>.
12. The policies referenced in the reason for refusal do not resist buildings in the AONB as a matter of principle and the proposal would accord with the National Planning Policy Framework (the Framework) approach to supporting a prosperous rural economy.
13. In the light of the above analysis, I conclude that the need for the kennels within the AONB has been justified and as a consequence there would be no conflict with Policies CP8 and DM1 of the Taunton Deane Core Strategy 2011– 2028 (the CS), Policy PD/5A of the Blackdown Hills AONB Management Plan 2019–2024 (the AONB Management Plan)<sup>4</sup> or the Framework which seeks, amongst other things, to protect, conserve or enhance landscape character.

#### *Tranquillity and noise*

14. Policy PD/5A of the AONB Management Plan sets out to avoid or restrict development which detracts from the tranquillity of the Blackdown Hills. Part of the tranquillity of the AONB in this location comes from the quiet rural environment.
15. The Inspector in the 2017 appeal decision acknowledged that the breeding of dogs had the potential to introduce noise which is not capable of strict control. However, he concluded, when looking at all the circumstances of the site together with mitigation measures and that this was a breeding (and not a boarding) kennels, that any nuisance and detriment to tranquillity would be limited.

The present proposal is accompanied by a Sound Impact Assessment (August 2019). This was based on information which was considered at the 2017 appeal and supplemented with further and updated information. There is an assessment of the predicted noise levels from the proposed kennels for areas around the site and in relation to neighbouring properties. The Assessment acknowledges that there is no specific criteria or guidance relating to noise impact from kennel applications or noise impact effects from dog barking upon nearby noise sensitive properties. Nevertheless,

the Assessment is detailed and includes an analysis of technical approaches and best practice. The Assessment concludes that the operational activity of the site is unlikely to result in an adverse noise impact, or annoyance.

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<sup>3</sup> Paragraph 172 of the National Planning Policy Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.

<sup>4</sup> The AONB Management Plan is not part of the development plan but I consider is a significant material consideration.

16. The Council's Environmental Health Officer has examined the Sound Impact Assessment and made a series of comments including that the proposed kennels are closer to the nearest residential properties than the present kennels and that noise from dogs can be very varied depending on the individual dog and the management of the operation. This advice includes that it is not possible to confirm whether or not the noise from the proposed kennels will lead to an unacceptable increase in noise levels in the area.
17. Representations including detailed objections from and on behalf of the adjoining occupiers at Fairhouse Farm explain the impact of noise from the site and other local residents indicate that they have been affected by the noise from barking dogs while walking in the lane. While any individual's considered disturbance from a particular noise source can be to some extent a matter of personal perception, I take these concerns seriously given the detail of the submissions together with the location within the AONB and the need to protect tranquillity. The Framework requires that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development.
18. The Sound Impact Assessment explains the methodology and justification for using sound readings from dogs barking at another site to help model the impact of the noise from dogs from the proposed kennels on this site. However, I am also conscious that the Environmental Health Officer indicates that the noise from dogs can be very varied depending on the individual dog and the management of the operation. As no recent noise readings of the dogs have been taken on this site, coupled with the observations of local residents, it is not straightforward to be definitive as to whether the use of the additional kennels in their proposed position would lead to any additional noise impact. Nevertheless, the Sound Impact Assessment is detailed and has been undertaken by a qualified engineer and overall I attribute the findings significant weight.
19. In terms of the layout of the site, the open section of the proposed kennels would face the road but the building would also be reasonably close to the back of the stables which would screen the building. The Sound Impact Assessment indicates that this would encourage a settled environment and the screening with existing buildings would help to ensure that the dogs were not stimulated by nearby noise sources, traffic or unfamiliar people accessing the site. Additionally, there is close boarded fencing and a hedgebank along the boundary with the road. I consider that this positioning of the proposed kennels and their orientation would help to ameliorate the impact of any dogs barking on the wider area.
20. In the general direction towards Fairhouse Farm there is also a stable building, internal close boarded fencing and gates, and Fairhouse Farm has a wall along much of the boundary with the road. While the proposed kennels would be closer

to Fairhouse Farm than the present main kennel building there would still be a reasonable separation distance with intervening structures.

21. Drawing all these matters together, on the basis that the number of dogs would remain the same as agreed in the 2017 appeal decision, I consider that the additional kennel accommodation as proposed would not be likely to increase the noise profile of the site to an appreciable extent. The proposal would therefore not materially alter the present level of tranquillity of the area including that experienced by local residents and walkers in this part of the AONB. As a consequence, there would be no conflict with the Noise Policy Statement for England.
22. Accordingly, I conclude that the proposal would conserve the tranquillity of this part of the AONB, in particular with regard to the noise impacts. As a consequence, the scheme would comply with Policies CP8 and DM1 of the CS, Policy PD/5A of the AONB Management Plan and the Framework which requires, notably, that potential noise pollution which could arise will not unacceptably harm the amenity of individual dwellings or other elements of the local environment.

## **Other Matters**

23. I have noted the submissions in respect of the bund which formed part of the proposal considered in the 2017 appeal decision. The provision of the bund would not be materially affected by the position of the proposed kennel building or effect my overall analysis in terms of the impact of the proposal. The bund is therefore not a matter which is determinative in relation to the issues in this appeal.
24. Representations seek, if additional kennels were justified, that they should be sited on land further from Fairhouse Farm. However, this is not the proposal before me which I have considered on its merits and found acceptable.

## **Conditions**

25. I have had regard to the conditions suggested by the Council and the advice in the Planning Practice Guidance. The statutory time limit and a condition specifying the approved plans are necessary in the interests of certainty.
26. It is necessary in the interests of preserving the tranquillity and noise environment to control the number of dogs on the site. I have already explained why my analysis has been based on the number of dogs conditioned by the 2017 appeal decision. The kennels the subject of this appeal are proposed to be sited outside the red lined site area which was the subject of the 2017 appeal decision. To avoid any doubt that the total number of dogs that may be housed across the whole site is clear, because of the differing red lined areas of the 2017 appeal decision and this proposal, I have worded the condition accordingly.
27. I have also considered all the suggestions from the adjoining occupiers regarding other planning conditions, including the suggestion that the additional kennels should be restricted to whelping mothers and their puppies. However, as I have found the proposal acceptable for the reasons explained such a condition would not meet the tests of necessity in this case.

## **Conclusion**

28. For the above reasons and subject to the specified conditions, I conclude that the appeal should be allowed.

*David Wyborn* INSPECTOR



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## Costs Decision

Site visit made on 28 May 2020

**by David Wyborn BSc(Hons) MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 June 2020**

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### **Costs application in relation to Appeal Ref: APP/W3330/W/19/3243730 Fairfield Stables, Moor Lane, Churchinford TA3 7RW.**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Ms S Lock for a full award of costs against Somerset West and Taunton Council.
  - The appeal was against the refusal of planning permission for the erection of dog kennel and log store.
- 

### **Decision**

1. The application for costs is refused.

### **Reasons**

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant seeks a full award of costs because the Council has acted unreasonably in the way it determined the application. In summary, the case is made that kennels have been justified acceptable at appeal where the key issue was the effect of noise disturbance on the Blackdown Hills Area of Outstanding Natural Beauty (the AONB) with particular regard to tranquillity. This is very similar to the reason for refusal, the appeal giving clear guidance on this matter and it is explained that dog numbers have not increased since the appeal.
4. It is argued that the planning officer, after examining the case in detail over 5 months, including the acoustic report, made a clear recommendation for conditional approval. The Committee has acted unreasonably by going against officer recommendation without any clear justification and this has led to unnecessary costs of taking the matter to appeal.
5. The Council has responded to explain that the Committee members were aware of the appeal decision and the assessment of noise but considered the application had further implications arising from the scale of the development in terms of increased noise footprint and also the location of the building in relation to existing residential properties. It is argued that in these circumstances the Council has not

behaved unreasonably and consequently there was no unnecessary or wasted expense in the appeal process.

6. The Planning Practice Guidance explains that an example of unreasonable behaviour is when a Council make vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
7. In this case the scheme was subject to a previous appeal where the impact on the tranquillity of the AONB was considered. A Sound Impact Assessment was submitted by a qualified professional with the present scheme. I have given significant weight to this Assessment and its findings, although I have noted that the advice of the Environmental Health Officer after studying the Assessment was that it was not possible to confirm whether or not the noise from the kennels will lead to an unacceptable increase in noise levels in the area. Furthermore, there is the experience of the site operating since the appeal decision with the views of local residents raising concern with the noise of the dogs. Also, the proposed kennels would be closer to the nearest neighbouring residential property than the existing main kennel building.
8. All this, to my mind, allowed the Committee to form a view that there was uncertainty regarding the potential noise impacts related to the position of the additional kennel building. Taking a precautionary approach in refusing the application was not without some foundation and the totality of information available allowed for a matter of judgement to be exercised on this issue. The Council's case at appeal was limited in extent. However, given the overall information available, especially the advice from the Environmental Health Officer who had analysed the Assessment, I consider, notwithstanding my overall conclusion, that the judgement of the Council was supported by some analysis that was not vague, generalised or inaccurate such that it could not be considered to be unreasonable.
9. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case and consequently the applicant was not put to unnecessary or wasted expense in the appeal process.

## **Conclusion**

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and an award of costs is not justified.

*David Wyborn*

INSPECTOR



## APPEALS RECEIVED – 25 JUNE 2020

**Site:** Swimming Pool Building, The Croft, Anchor Street, Watchet

**Proposal:** Demolition of swimming pool enclosure and erection of 1 No. dwelling with associated works

**Application number:** 3/37/20/001

**Appeal reference:** APP/W3330/W/20/3252718

**Enforcement Appeal:**

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**Site:** 2A DYERS CLOSE, WEST BUCKLAND, WELLINGTON, TA21 9JU

**Proposal:** Change of use of former village shop store into 1 No. one bedroom dwelling and retrospective reconfiguration at 2a Dyers Close, West Buckland (resubmission of 46/19/0015)

**Application number:** 46/19/0034

**Appeal reference:** APP/W3330/W/20/3240206

**Enforcement Appeal:**

---

**Site:** NIGELLA, CHURCH HILL, WEST MONKTON, TAUNTON, TA2 8QT

**Proposal:** Outline planning permission with all matters reserved (except for access) for the erection of 1 No. detached dwelling in the garden to the rear of Nigella, Church Lane, West Monkton

**Application number:** 48/19/0059

**Appeal reference:** APP/W3330/W/20/3250820

**Enforcement Appeal:**

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**Site:** THE OLD WATERWORKS, CHIPSTABLE ROAD, CHIPSTABLE, TAUNTON, TA4 2PZ

**Proposal:** Change of use of land from agricultural to domestic at The Old Waterworks, Chipstable Road, Chipstable (retention of works already undertaken)

**Application number:** 09/19/0012

**Appeal reference:** APP/W3330/W/20/3251234

**Enforcement Appeal:**

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**Site:** BARTON HOUSE, BRADFORD ROAD, OAKE, TAUNTON, TA4 1DR

**Proposal:** Erection of 1 No. detached dwelling with associated works in the garden of Barton House, Bradford Road, Oake

**Application number:** 27/19/0028

**Appeal reference:** APP/W3330/W/20/3251631

**Enforcement Appeal:**

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**Site:** IVYLEN, STAPLEY ROAD BISCOMBE, CHURCHSTANTON, TAUNTON, TA3 7PZ

**Proposal:** Demolition of bungalow and outbuildings and erection of 1 No. dwelling with farm office and store rooms at Ivylen Farm, Staple Road, Biscombe, Churchstanton

**Application number:** 10/19/0017

**Appeal reference:** APP/W3330/W/20/3251345

**Enforcement Appeal:**

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**Site:** WATERHAYES COTTAGE, WATERHAYES LANE, OTTERFORD, CHARD, TA20 3QH

**Proposal:** Erection of a single storey extension to the side of Waterhayes Cottage, Waterhayes Lane, Otterford

**Application number:** 29/20/0001

**Appeal reference:** APP/W3330/D/20/3251478

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**Site:** LAND TO THE WEST OF REGENT STREET, BRADFORD ON TONE, TAUNTON

**Proposal:** Outline planning application for the erection of 2 No. detached dwellings with associated works and pedestrian access to site for village play area on land to the west of Regent Street, Bradford On Tone

**Application number:** 07/19/0003

**Appeal reference:** APP/W3330/W/20/3252720

**Enforcement Appeal:**

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**Site:** WICK HOUSE, WIVELISCOMBE ROAD, NORTON FITZWARREN, TAUNTON, TA4 1BT

**Proposal:** Change of use of land with conversion of 3 No. holiday lets into 1 No. residential dwelling at Wick House, Wiveliscombe Road, Norton Fitzwarren

**Application number:** 25/19/0022

**Appeal reference:** APP/W3330/W/20/3251693

**Enforcement Appeal:**

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**Site:** CROSSWAYS FARM, SLOUGH LANE, STOKE ST GREGORY, TAUNTON, TA3 6ES

**Proposal:** Replacement of agricultural buildings with the erection of 2 No. dwellings and associated works on land at Crossways Farm, Slough Lane, Stoke St Gregory (resubmission of 36/18/0043)

**Application number:** 36/19/0029

**Appeal reference:** APP/W3330/W/20/3248009

**Enforcement Appeal:**

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**Site:** 106 PRIORY AVENUE, TAUNTON, TA1 1YB

**Proposal:** Construction of two dormer windows to the front of 106 Priory Avenue,  
Taunton

**Application number:** 38/20/0075

**Appeal reference:** APP/W3330/D/20/3251648

# DECISIONS – 9 JULY 2020

**Site:** PEN ELM, MINEHEAD ROAD, NORTON FITZWARREN, TAUNTON,  
TA2 6PD

**Proposal:** Conversion of stables to 1 No. detached dwelling within the domestic garden of Pen Elm, Minehead Road, Norton Fitzwarren

**Application number:** 25/19/0023

**Reason for refusal:** Appeal – Dismissed  
Costs – Refused



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## Appeal Decision

Site visit made on 2 June 2020 by Scott Britnell MSc FdA

### Decision by R C Kirby BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

**Decision date: 22 June 2020**

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### Appeal Ref: APP/W3330/W/20/3245967

**Pen Elm, Minehead Road, Norton Fitzwarren, Taunton TA2 6PD**

- 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 Mrs Sheryl Hunt against the decision of Somerset West and Taunton Council.
  - The application Ref 25/19/0023, dated 15 October 2019, was refused by notice dated 20 December 2019.
  - The development proposed is subdivision of the existing dwelling to create a separate dwelling within a domestic outbuilding.
- 

### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issue

3. The main issue in this case is whether the appeal site is in a suitable location for a new dwelling.

## Reasons for the Recommendation

4. The appeal site comprises an existing outbuilding set within the large grounds of a detached dwelling, Pen Elm, within the open countryside. It sits on the northern side of the A358, to the north west of Taunton and north of Norton Fitzwarren. To the east is a short terrace of dwellings and to the west is a collection of other residential properties, beyond which is a garden centre.
5. In this respect and having regard to the Braintree District Council Court of Appeal ruling<sup>1</sup>, I find that the new dwelling would be nearby existing development. It would not, despite both party's views in this regard, result in an isolated home in the countryside in terms of paragraph 79 of the National Planning Policy Framework (Framework). Accordingly, this paragraph of the Framework is not a material consideration in this appeal.

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<sup>1</sup> [2018] EWCA Civ 610 Case No: C1/2017/3292.

6. Within the countryside, Policy DM2 of the Adopted Taunton Deane Core Strategy 2011-2028 Development Plan Document September 2012 (CS) sets out the types of development that will be permitted in the countryside. The supporting text to Policy DM2 confirms that it seeks to control development outside of settlements to promote sustainable patterns of development.
7. The conversion of an existing building falls under a type of development that is permitted in the countryside under Policy DM2. However, the policy makes clear that a residential use of such a building will only be acceptable in exceptional circumstances, and where other uses set out within Paragraph 7 of the policy are demonstrably unsuitable.
8. There is no evidence before me that the appellant has demonstrated the building is unsuitable for all other listed uses under Policy DM2 Paragraph 7, with the appeal statement responding only to the Council's query concerning a potential Class B Use. In the absence of such information, it is clear that the sequential approach required by CS Policy DM2 has not been complied with. Consequently, I find that it has not been demonstrated that the appeal site is suitably located for a new dwelling.
9. My attention has been drawn to planning permissions and appeal decisions which the appellant considers are similar to her proposal. While the information provided describes the relationship of those proposals to nearby development, I do not have the full details relating to these cases. Moreover, it is evident in these cases that paragraph 79d of the Framework was considered to apply, which is not the case in this appeal. As such, I do not consider that these cases are directly comparable to the appeal before me and I afford them limited weight.
10. In light of my findings, I conclude that the location of the appeal site is not suitable for a new dwelling because of the conflict with CS Policy DM2, and the spatial strategy underpinning Policy SB1 of the Taunton Deane Adopted Site Allocations and Development Management Plan December 2016 and Policy SP1 of the CS. These seek, among other things, to control development in the countryside and focus development on the most accessible and sustainable locations and seek to ensure a sustainable approach to development. These policies are broadly

consistent with the Framework which seeks to ensure that: sufficient land of the right type is available in the right places and at the right time to support growth; that homes are provided with accessible services, and, the number and length of journeys needed for employment, shopping, leisure, education and other activities are minimised. Accordingly, they are given full weight in my consideration of this case.

11. The appellant suggests that the planning permission for the conversion of the outbuilding to a residential annexe is a fall-back position that justifies the proposed development. Whilst this may be the case, the use of that building was considered under different plan policies to the proposal before me. Moreover, there are differences between how an ancillary residential use and a separate residential dwelling would function. The likely relationship between the occupants of ancillary accommodation and the main dwelling, for example, means that they are likely to share car journeys for purposes such as shopping or medical appointments. As such, an ancillary use is likely to result in less independent car journeys as a separate residential dwelling. This matter does not therefore outweigh the conflict with the development plan that I have found.

### **Conclusion and Recommendation**

12. For the reasons given above, I recommend that the appeal should be dismissed.

***Scott Britnell***

APPEAL PLANNING OFFICER

### **Inspector's Decision**

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

***R C Kirby***  
INSPECTOR



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## **Costs Decision**

Site visit made on 2 June 2020 by Scott Britnell MSc FdA

**Decision by R C Kirby BA(Hons) DIPTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 June 2020

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**Costs application in relation to Appeal Ref:  
APP/W3330/W/20/3245967 Pen Elm, Minehead Road, Norton  
Fitzwarren, Taunton TA2 6PD**

- The application is made under the Town and Country Planning Act 1990, Sections 78, 322 and Schedule 6, and the Local Government Act 1972, Section 250(5).
  - The application is made by Mrs Sheryl Hunt for a full award of costs against Somerset West and Taunton Council.
  - The appeal was against the refusal of planning permission described as the subdivision of the existing dwelling to create a separate dwelling within a domestic outbuilding.
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## **Decision**

1. The application for costs is refused.

## **Application Procedure**

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the application.

## **Reasons for the Recommendation**

3. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. The applicant suggests that the Council, in reaching the conclusion that it has, has prevented or delayed development which accords with the development plan, national policy or any other material considerations. She suggests that the policies of the development plan should be afforded limited weight, as they are inconsistent with the National Planning Policy Framework (Framework), specifically paragraph 79d.
5. Whilst I did not agree with the parties that the proposal would result in an isolated home in the countryside, I am satisfied that the Council substantiated its reasons for refusing the planning application at the planning appeal stage, making reference to the relevant policy of the development plan and addressing the matters raised by the appellant with regard to Framework paragraph 79d. It did not act unreasonably in this regard.
6. The applicant also suggests that the Council has failed to determine similar cases in a consistent manner, referring to a number of examples where she considers the same issues apply which have been granted planning permission. Within its evidence the Council has substantiated its approach in respect of this issue, highlighting the difference between the examples referred to and setting out why a different decision was reached in this case. Indeed, I found that the circumstances of the examples referred to differ from the proposal before me. It did not act unreasonably in this regard.
7. It is submitted that the Council did not take proper account of the fall-back position to use the building as a residential annexe. I find that the Council considered this matter in its officer's report, appeal statement and response to this costs application and therefore substantiated its position in regard to this matter. It did not act unreasonably in this regard.
8. In light of the above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice

Guidance, has not been demonstrated.

### **Conclusion and Recommendation**

9. For the reasons given above, I recommend that the application for costs should be refused.

***Scott Britnell***

APPEAL PLANNING OFFICER

### **Inspector's Decision**

10. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for costs is refused.

***R C Kirby***

INSPECTOR

**Site:** Land at Paddons Farm, Stogursey, TA5 1BG

**Proposal:** Erection of a residential development comprising of 27 No. dwellings, relocation of childrens play area and associated works

**Application number:** 3/32/19/019

**Reason for refusal:** Appeal – Dismissed



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## Appeal Decision

Site visit made on 26 May 2020

**by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 June 2020**

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### Appeal Ref:

**APP/W3330/W/20/3245966 Land at Paddons Farm, Stogursey TA5 1BG**

- 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 R Alford of Strongvox Homes against the decision of Somerset West and Taunton Council.
  - The application Ref 3/32/19/019, dated 17 May 2019, was refused by notice dated 23 December 2019.
  - The development proposed is described as the proposed development of 27 dwellings, the relocation of children's play area and associated works.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. There are discrepancies between the appeal site address and descriptions of development on the Council's decision notice and the original application form and appeal form submitted by the Appellant. For consistency, I have used the address and description of development from the application form in the banner at the top of this decision letter.

### Background and Main Issues

3. As noted above, the description of development in the banner heading has been

taken from the application form. However, the appeal site is part of a larger development site which was granted permission for the erection of fifty nine dwellings, and associated works, in April 2007<sup>1</sup> (the Original Scheme). Whilst that planning permission was implemented, the development was only partially completed with thirty nine of the fifty nine dwellings being constructed in full. This appeal concerns a scheme which would seek to provide an additional twenty seven dwellings at the site, which would represent an overall increase of seven dwellings when compared to the Original Scheme.

4. Although the Council has given two reasons for refusal on the decision notice, having reviewed the evidence and submissions I have considered it appropriate to identify three main issues.

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<sup>1</sup> Local Planning Authority Reference: 3/32/07/008

5. The main issues are:

- Whether future and existing residents would be likely to experience acceptable living conditions in terms of amenity space and access to recreation facilities;
- Whether future and existing residents would be likely to experience acceptable living conditions in terms of parking provision; and
- The effect of the proposed development on the character and appearance of the surrounding area including the setting of the Stogursey Conservation Area (the Conservation Area).

## Reasons

### *Site Description*

6. The appeal site comprises land at Paddons Farm, being located within, but at the edge of, the village of Stogursey and within the Conservation Area. The site is bounded by residential development to the west at St Audries Close and Park View, and by part of Church Street which runs adjacent to the southern boundary of the site. Stogursey Brook winds its way through the appeal site and to the east of the existing residential dwellings within Paddons Farm. Stogursey Brook is crossed in two places within the site, a pedestrian footbridge within the southern section of the site and a vehicle bridge being located within the eastern section of the site.

### *Amenity Space and Recreation Facilities*

7. Policy R/5 of the West Somerset Local Plan to 2032 (the Local Plan) concerns the provision of public open space in relation to large developments, and provides that development proposals include a minimum amount of public open space based on a ratio of one hectare per 173 dwellings or part thereof. This policy further advises that open space can include certain elements such as, amongst other things, children's play space.
8. The evidence before me confirms that whilst the appeal scheme would result in the loss of some public open space, the remaining space available at Paddons Farm would be in excess of that required under Policy R/5 of the Local Plan. Whilst I shall return to the matter of children's play space further below,

the appeal proposal would provide a fenced play space which would benefit from the natural surveillance that would be provided by two of the additional dwellings that form part of the appeal scheme. For these reasons, I conclude that the appeal scheme would comply with the provisions of Policy R/5 of the Local Plan.

9. Within the reasons for refusal, the Council have maintained that the proposal would conflict with Policy R/7 of the Local Plan. Policy R/7 of the Local Plan concerns development of land identified on the Settlement Inset Maps as important amenity open space, and the Appellant has put it to me that the appeal site has not been identified on the Settlement Inset Maps for such a use. The Council has not disputed the Appellant's submission in this regard and there is no evidence before me which demonstrates that the appeal site has been identified as important amenity space within the context of this policy. Therefore, assessment of the proposal against this policy is not required in this instance.
10. Policy CF1 of the Local Plan concerns access to health, sport, recreation and cultural facilities and confirms that where development results in the loss of such facilities, equivalent or greater replacement facilities must be provided. Whilst I acknowledge the submission of the Appellant with regards to the applicability of this policy in relation to play areas, in my view the existing children's play area would represent a recreation facility and therefore its loss and potential replacement should be assessed in the context of this policy.
11. The appeal scheme seeks to replace the existing recreation facility and the evidence before me indicates that the replacement facility would be larger in terms of area and would be better equipped than the existing facility. However, the Council have put it to me that the new recreation facility would be less accessible, less convenient, less usable and less attractive than the existing facility.
12. Whilst I acknowledge the Appellant's submissions in respect of the test of whether the proposal is acceptable having regards to the relevant policies of the Development Plan and material considerations, where there is a loss of a recreation facility, as is the case in respect of the appeal proposal, the wording of the Policy requires that equivalent or greater facilities are provided, and, in my view, this is not limited to just equivalent or greater levels of equipment or space, but also includes, for example, the degree to which the facility is able to be used safely and the degree of accessibility to the facility.
13. In terms of the contention that the replacement facility would be less attractive, I conclude that the replacement facility would be equivalently attractive for users to that of the existing play area. In respect of accessibility, the proposed replacement facility would be served by two footways which would provide appropriate access, including a predominately level footway which would provide appropriate access to the play area for wheelchairs and pushchairs. Access to the existing recreational facility currently requires crossing grassed land which may present difficulties for those with wheelchairs or pushchairs. I therefore conclude that the replacement facility would represent an improvement to the existing recreation facility with regards to accessibility and convenience.
14. Notwithstanding the above, to comply with Policy CF1 of the Local Plan, the replacement facility must also be at least equivalent to the existing facility in terms of safety for its users. In this regard, it has been put to me that the location of the replacement facility adjacent to Stogursey Brook would represent a safety hazard for children.

15. Whilst I note the comments and submissions from all parties and agree that the safety of children entering and exiting the replacement facility may be placed at risk from falling or climbing down the steep bank to Stogursey Brook, the facility itself would be fenced and additional conditions could be imposed that required additional safety fencing be placed adjacent to Stogursey Brook between the replacement facility and the nearby footbridge over the brook.
16. However, and in respect of the safety of children, a significant portion of the proposed replacement facility would be located close to or directly under the canopy of mature trees which are substantial in terms of their height and spread. Whilst I note the submissions of the main parties with regards to the shading that these trees would provide, falling debris from these trees would represent a significant threat to the safety of children and other users of the proposed replacement facility and, without sufficient regular upkeep of the facility may result in equipment being unusable due to fallen debris and leaves. This may result in pressure to lop, top or even remove these trees which, in my view, make a significant positive contribution to the character and appearance of the area.
17. The existing facility is located away from safety risks associated with the trees which are located on the banks of Stogursey Brook within the appeal site, and, therefore, when taken as a whole the proposed replacement facility would not be equivalent to the existing facility in terms of providing a safe space for its users. Consequently, the appeal scheme would conflict with Policy CF1 of the Local Plan when taken as a whole and, given this conflict and the importance that the National Planning Policy Framework (the Framework) places on development contributing to healthy and safe communities, this is a matter which weighs significantly against the appeal proposal.
18. Whilst I note that the Appellant maintains that there would be sufficient space within the site to reposition the recreational facility, I have not been provided with any plan which could be referred to within any additional condition or amendment to the associated planning obligation and which would provide certainty in relation to the specific siting of the recreational facility. I have therefore determined this appeal on the plans and drawings provided by the Appellant in relation to the appeal proposal.

#### *Parking Provision*

19. Policy T/8 of the Local Plan states that parking at residential sites should be in accordance with the parking guidelines provided in the form of a table. For residential dwellings the maximum provision is two spaces per dwelling.
20. Paragraph 106 of the Framework confirms that maximum parking standards should only be applied where there is clear and compelling justification that such measures are necessary or for optimising the density of development at locations that are well served by public transport.
21. The Council maintain that the appeal proposal would result in the overprovision of twelve spaces at the site. However, the Council have also confirmed that the appeal site is not well served by public transport. Furthermore, it is noted that a number of objections have been submitted by interested parties which indicate that the lack of parking in respect of the Original Scheme and within the wider surrounding area, has resulted in on street parking congestion and vehicle access issues at Paddons Farm. In this regard, it is also noted that eleven of the twelve additional parking spaces above the maximum provision, relate to visitor spaces

within the site.

22. Given the above, I conclude that the additional parking proposed would free up space within the estate from on street parking, resulting in improvement to the free flow of traffic within Paddons Farm. Furthermore, given that the Council maintains that Stogursey is not well served by public transport, I conclude that the maximum standards imposed by Policy T/8 of the Local Plan should not apply in relation to this specific location.
23. I am mindful that the Highways Authority has not objected to the appeal proposal and I have not been provided with any substantive evidence by the Council to justify the maximum parking standard in this instance. Consequently, I conclude that the appeal scheme would make appropriate provision for parking and, therefore, the proposal would be consistent with the aims and objectives of Policy T/8 of the Local Plan.

#### *Character and Appearance*

24. Residential development within Stogursey and close to the appeal site comprises a mixture of traditional dwellings and more modern forms of development, which are principally single storey or two storey in height and which are densely arranged in groups of predominately attached dwellings on modest sized plots.
25. The proposal would introduce additional housing at the site, as detailed above in the Background section of this decision, and the Council considers that the resulting quantum of development at the site would be at odds with the character and appearance of the surrounding area and would thereby be harmful to the setting of the Conservation Area.
26. The proposal would introduce a mixture of housing which, in combination with the residential dwellings that were constructed under the Original Scheme, would, in my view, reflect the pattern of development and density of housing which exists in the locality such as that at St Audries Close.
27. The proposed gardens would be a similar size to existing external amenity areas which serve properties close to the appeal site and within the Conservation Area. Whilst I acknowledge that some parking spaces would not be located immediately adjacent to the corresponding dwelling, they would be within a very short and convenient distance and therefore would not compromise the functionality of the site. Furthermore, the appeal scheme would preserve the footway link between Paddons Farm and Park View, and therefore the proposal would not compromise the use of this important feature which provides pedestrian links to the village centre.
28. For the above reasons, I conclude that the proposed increased density of housing at the appeal site would not result in a form of development that appeared to be cramped or that the site could be considered to be overdeveloped. The appeal scheme would not be harmful to the character and appearance of the surrounding area.
29. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in reaching this decision.
30. Whilst I have not been provided with a Conservation Area appraisal, I was able to observe on my site visit that the Conservation Area includes the historic core of the

village around Tower Hill, the High Street and Church Street, and includes the appeal site which is located east and northeast of the core of the village. I consider that the significance of the Conservation Area is derived from the mixture of traditional cottages and larger dwellings, as well as from the presence of listed buildings and memorial structures.

31. With regards to the appeal scheme, it is noted that the design and style of the proposed buildings would reflect and largely replicate the design and style of dwellings which were approved and constructed under the Original Scheme and, consequently, there would be no harm in this respect arising from the appeal proposal. As above, the increased density of housing at the appeal site would reflect the density of housing within the surrounding residential areas and within the Conservation Area. I therefore conclude that the appeal proposal would preserve the significance and setting of the Conservation Area and, through the completion of the site, would represent an enhancement.
32. For the reasons given above, I find that the appeal scheme would not have a harmful impact on the character and appearance of the area and would not be harmful to the significance or setting of the Conservation Area. The proposal would therefore comply with Policies NH1 and NH13 of the Local Plan, which aim to ensure that new development meets the highest standards of design, and that elements of the historic environment which contribute towards the unique identity of areas and help create a sense of place are sustained and, where appropriate, enhanced.

## **Other Matters**

33. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
34. I have had regard to the presence of the nearby listed structures as identified by the Council and the need to give special attention to the desirability of preserving the setting of listed buildings. In this respect, I consider that the degree of separation between the identified listed buildings and the appeal scheme is sufficient that no harm to the significance or setting of the heritage assets would arise.
35. Interested parties raise several additional objections to the proposal including the potential impacts in relation to; drainage, highway safety, biodiversity, noise and disturbance during the construction phase and the lack of nearby services and facilities. Furthermore, I have had regard for the correspondence and submissions in respect of planning obligations relating to the Original Scheme and appeal scheme. These are all important matters and I have considered all of the evidence before me. However, given my findings in relation to the main issues above, these are not matters which have been critical to my decision.

## **Conclusion**

36. In summary of the above, whilst I have found that the appeal proposal would provide adequate parking provision, would not be harmful to the character and appearance of the surrounding area and would not be harmful to the character or appearance of the Conservation Area, I have found that the replacement play area would not provide a safe equivalent to that recreation facility that would be lost as

a result of the proposal.

37. I acknowledge that the appeal proposal would provide substantial benefits in terms of the additional housing units provided, the mixture of which better reflects identified local need, with further benefits arising from the enhancement of the Conservation Area by the completion of the development site and from the benefits that would arise from the performance of the Planning Obligation and its proposed modifications. I also recognise the position with regards to viability.
38. However, whilst I acknowledge the benefits associated with the appeal proposal are substantial, they would not, in my view, outweigh the harm that the proposed repositioning of the recreational facility would have in respect of the safety of its users, and the subsequent development plan policy conflict to which I have attached significant weight in the determination of this appeal.
39. For the reasons given above, I conclude that the appeal scheme conflicts with the development plan when taken as a whole. There are no material considerations that would lead me to reach a determination other than in accordance with the development plan. As such, the appeal should be dismissed.

*A Spencer-Peet*  
INSPECTOR

# APPEALS RECEIVED – 9 JULY 2020

**Site:**

**Proposal:**

**Application number:**

**Appeal reference:**

**Enforcement Appeal:**

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