

Site: Land to north of Barnoaks, Worthy Lane, Creech St Michael, Taunton TA3 5EF

Proposal: Erection of 1 No. single storey dwelling

Application number: 14/18/0028

Reason for refusal

The site lies outside a defined settlement boundary in the open countryside, where the policies of the Council restrict residential development in such locations, given their unsustainable location, unless the proposal serves an identified need. No such need is identified. The scheme therefore represents an unjustified dwelling outside of settlement limits that would set an undesirable precedent for future development. As such, the proposal is contrary to Policy DM2 (Development in the Countryside) and its associated sequential criteria, and policy SD1 (Presumption in favour of sustainable development) of the adopted Core Strategy 2011-2028. It is also contrary to policy SB1 (Settlement Boundaries) of the adopted Site Allocations and Development Management Plan 2016.

Appeal decision: APPEAL DISMISSED



Appeal Decision

Site visit made on 16 April 2019

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 07 May 2019

Appeal Ref: APP/D3315/W/19/3220211

Land to North of Barn Oaks, Worthy Lane, Creech St Michael, Taunton, Somerset

- 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 E Holland against the decision of Taunton Deane Borough Council.
 - The application Ref 14/18/0028, dated 13 September 2018, was refused by notice dated 13 December 2018.
 - The development proposed is the erection of single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 1 April 2019 West Somerset Council merged with Taunton Deane Borough Council to become Somerset West and Taunton Council. The development plans for the merged local planning authority remain in place for the former area of Taunton Deane Borough Council until such a time as they are revoked or replaced. It is therefore necessary to determine this appeal with reference to policies set out in the plans produced by the now dissolved Taunton Deane Borough Council.

Application for costs

3. An application for costs was made by Mrs E Holland against Somerset West and Taunton Council. This application is the subject of a separate Decision.

Main Issue

4. Whether the site is suitably located for a dwelling, with particular regard to its location outside a defined settlement boundary.

Reasons

5. Barn Oaks is a mid-20th century bungalow that sits in a large plot. The appeal proposal relates to the large garden to the rear. Part of this would be used to form a separate curtilage to serve a new single storey dwelling, accessed from a new driveway to the side of the existing bungalow.
6. The proposed dwelling would be sited outside of the defined settlement limit associated with Creech St Michael. I accept that Policy DM2 of the Taunton Deane Borough Council Adopted Core Strategy 2011 – 2028 (CS) does not

necessarily make a proposal for a single open market dwelling unacceptable outside a defined settlement limit, owing to the way the policy is worded.

However, Policy SB1 of the Taunton Deane Adopted Site Allocations and Development Management Plan 2016 (SADMP) makes it clear that development proposals outside settlement limits will be treated as being within open countryside. Supporting text to this Policy refers to the role settlement limits play in protecting the integrity of the countryside, providing a compact form to settlements, preventing sprawl and sporadic development and reducing the visual impact on the countryside. Policy SB1 of the SADMP also refers to CS Policy CP8, which states that development outside of settlement boundaries will be strictly controlled, and only permitted where it will, amongst other things, be appropriate in terms of scale, siting and design.

7. Although the group of existing dwellings associated with the appeal site are close to the village of Creech St Michael, an undeveloped field provides a break in built form between the edge of the village and these dwellings, which means that the existing dwellings have the appearance of being somewhat detached from the main settlement. The proposed dwelling would be close to three existing bungalows and could not be considered to be isolated, however it would stand in a somewhat detached position behind the existing bungalows. The proposed dwelling would be positioned adjacent to open agricultural land to the rear and would extend built form in that direction. This would be contrary to the pattern of development in the immediate area of the appeal site, where properties in the area front Worthy Lane, resulting in a consistent and simple linear form of development. There are no other examples of dwellings set back behind another in the immediate area.
8. Policy SB1 of the SADMP refers to policy SP1 of the CS, where settlement boundaries are identified. This Policy sets out the Council's approach for locating new development, insofar as it relates to the old area of Taunton Deane. In this Policy Creech St Michael is categorised as a Minor Rural Centre. The Policy states that development within such locations will be in the form of small scale allocations, sites within the defined settlement limit and sites fulfilling affordable housing exception criteria. The proposed dwelling would not accord with this Policy requirement, as it would not fit into any of these categories.
9. Policy SB1 of the SADMP also states that proposals will be assessed against Policy CP1 of the CS. Policy CP1 states that development proposals will need to demonstrate that the issue of climate change has been addressed by, amongst other things, reducing the need to travel through locational decisions.
10. I note that Creech St Michael has a good range of local services that have the potential to meet the everyday needs of its residents, and I am mindful of the appellant's clarification of what the term 'everyday services' could mean. Many of these services are within walking distance of the appeal site, however the walking route involves a short stretch of road that does not benefit from street lighting. This is moderately improved by the appellant's introduction of a street light, however, the route also has significant lengths with no dedicated footway. A substantial length of this would be along the main road through the village, which is narrow in places and appeared to be quite busy at the time of my site visit. I concur with the Inspector who determined the previous appeal¹

¹ APP/D3315/W/17/3187285

and concluded that walking into the main part of the village to access local services would be generally unattractive to occupants of the proposed dwelling.

11. In support of the location the appellant has referred to significant growth allocations for Creech St Michael, and the planned development of nearby Monkton Heathfield, which would have a new district centre with a primary route that connects to the northern end of Creech St Michael. Although this may provide further services and facilities close to Creech St Michael in the future it is yet to be developed, so can only be given very little weight at this stage.
12. Further from the site is the large town of Taunton, with a wide range of services and facilities. The appellant has provided information relating to the potential to travel from the site to Taunton by bus, either via a service that runs through the village, making use of an accessible bus service or by travelling to the Park and Ride facility to access a much more frequent service into the town. The appellant suggests that this level of provision accords with Policy A5 of the SADMP. The proposed dwelling would appear to accord with the extracts of this Policy that the appellant has provided, however I do not have the full copy before me to enable me to make a proper assessment.
13. The appellant refers to an appeal decision in a different area². In this decision the Inspector was satisfied that a 10-minute drive from a rural hamlet where the appeal site was located to an area with a substantial range of facilities was acceptable. I do not have full details of this case so am unable to be confident that this is directly comparable to this current appeal, so can only give this little weight.
14. In further support of the proposal the appellant refers to a paragraph from the Planning Practice Guidance³, which gives support for sustainable rural housing, and paragraph 103 of the National Planning Policy Framework which acknowledges a difference between sustainable transport solutions in urban and rural areas. The appellant also notes that the proposal is for a single dwelling so vehicle movements would be low. Whilst these factors, and those in the paragraphs above, carry some weight they are not sufficient to outweigh the clear conflict between the location of the proposed dwelling and the development plan position in terms of the settlement boundary of Creech St Michael.
15. Therefore the proposed site, located beyond the defined settlement boundary of Creech St Michael would not be suitably located for the proposed dwelling, as it would be in clear conflict with Policy SB1 of the SADMP and Policies SD1, SP1, CP1 and CP8 of the CS, which together, amongst other things, set out a presumption in favour of sustainable development, seek to ensure that development in the countryside outside defined settlement limits is strictly controlled, does not result in urban sprawl, does not increase the need to travel and is appropriate in terms of scale, siting and design.

² 3147166

³ Paragraph: 001 Reference ID: 50-001-20160519 May 2016

Conclusion

16. For the reasons above the appeal is dismissed.

Andrew Tucker
INSPECTOR

Site: Dipford Farm, Gatchell Farm, Dipford Road, Trull, Taunton TA3 7NP

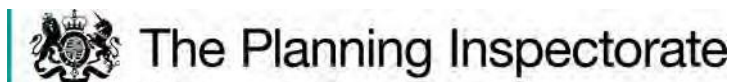
Proposal: Demolition of agricultural building with the erection of 1 No. detached dwelling with detached double garage and associated works

Application number: 42/18/0042

Reason for refusal

The site lies outside a defined settlement boundary in the open countryside, where the policies of the Council restrict residential development in such locations, given their unsustainable location, unless the proposal serves an identified need. No such need is identified. The scheme therefore represents an unjustified dwelling outside of settlement limits that would set an undesirable precedent for future development. As such, the proposal is contrary to Policy CP1a (Climate Change), DM2 (Development in the Countryside) and its associated sequential criteria, and policy SD1 (Presumption in favour of sustainable development) of the adopted Core Strategy 2011-2028. It is also contrary to policy SB1 (Settlement Boundaries) of the adopted Site Allocations and Development Management Plan 2016.

Appeal decision: APPEAL ALLOWED



Appeal Decision

Site visit made on 16 April 2019

by G Powys Jones MSc FRTPI

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

Decision date: 9th May 2019

Appeal Ref: APP/D3315/W/19/3220853

Barn and land to the east of Gatchell Farm, Dipford Road, Trull, Taunton, TA3 7NP

- 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 AP and SM Parris and Son against the decision of Taunton Deane Borough Council.
 - The application Ref 42/18/0042, dated 26 October 2018, was refused by notice dated 18 December 2018.
 - The development proposed is the erection of a dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling at Barn and land to the east of Gatchell Farm, Dipford Road, Trull, Taunton, TA3 7NP in accordance with the terms of the application Ref 42/18/0042, dated 26 October 2018, subject to the conditions set out in the attached Schedule to this decision.

Application for costs

2. The appellants have made an application for costs against the Council. This is the subject of a separate decision.

Main issue

3. The main issue is the locational acceptability of the proposal having regard to development plan policy.

Reasons

4. The appeal site is comprised of land and agricultural buildings standing alongside Dipford Road, which itself leads into Trull, to the east. Although several dwellings are in evidence on this part of Dipford Road, agricultural fields predominate, conveying a distinct rural aura.
5. However, the locality is subject to significant future change in that the appeal site lies very close to the designated boundary of the proposed south-western expansion of Taunton as envisaged in Policy SS7 of the Council's Core Strategy (CS) and Policy TAU1 of Site Allocations and Development Management Plan (DMP). An outline planning application for a mixed development including approximately 2000 dwellings based on the designation awaits determination.
6. The appeal site lies close to, but outside the designated settlement boundary identifying the proposed urban expansion. DMP Policy SB1 deals with settlement boundaries and provides that proposals outside settlement

- boundaries will be treated as being within open countryside and assessed against Core Strategy policies CP1, CP8 and DM2.
7. CS policy DM2 provides that, outside defined settlement limits, certain uses will be supported (not including housing development). However, as the Council has previously acknowledged at appeal¹ this policy does not state that other types of development will be refused. Other uses should be determined against CS Policy CP8, which deals with all development.
 8. CS Policy CP8 applies to all development outside the settlement boundary and is therefore relevant to this appeal. It provides that development outside settlement boundaries will be permitted where a number of criteria are met. Whilst the officer report, upon which the Council relies, lists Policy CP8 as one of the relevant development plan policies, there is no clear indication that it played any part in the assessment of the proposal made under the heading 'Determining Issues and Considerations'.
 9. The Council's sole reason for refusal does not cite a conflict with Policy CP8. In the absence of any evidence to the contrary presented by the Council, it appears to me, in so far as its criteria are applicable in the context of this appeal, that they are met. Of particular note, in terms of the local landscape, is that the Council acknowledges that the proposal would have no greater visual impact than the existing agricultural buildings. To my mind, this is to understate the position since, given the unsightly nature of the existing buildings and enclosures, which are largely comprised of concrete blockwork and rusting corrugated iron, the development would result in an enhancement of the local visual scene.
 10. Although CS Policy SD1 is cited in the reason for refusal, it does not appear in the list of relevant policies in the officer report, and nor is it discussed in the assessment of the proposal. It is, however, a policy directed to climate change, and one of its requirements is that development proposals should demonstrate that climate change has been addressed by reducing the need to travel through locational decisions. The Council says that since the nearest bus stop providing access to the nearest major centre is some 500m distant, along an unlit footway, it is likely that prospective occupiers of the new dwelling would be reliant on cars to access essential services.
 11. However, many of the day-to-day requirements of future residents would in my view be met, not in a major centre, but in the adjacent village of Trull. The village is not of an insignificant size, displaying a range of shops and services, including a primary school, post office, pub, community hall and church. Pedestrian access to the village centre would be obtained on the footway running alongside Dipford Road to its junction with Honiton Road. The footway is on the flat, within what I consider a reasonable walking and cycling distance of the services available in the village. That this part of Dipford Road is unlit is unlikely to act as a disincentive to future occupants to walk or cycle to the village during the day, when access to most services is likely to be required.
 12. When developed, additional facilities are planned to become available in the adjacent Taunton expansion development. With regard to access to services, I would not expect the car to be used more frequently by future occupiers of the

¹ APP/D3315/W/17/3179264

proposed dwelling than those residing in the dwellings comprised in the nearby major expansion scheme, when built.

13. I therefore conclude having regard to development plan policy that the appeal site is locationally acceptable and sustainable, and I find no conflict with the development plan in terms of settlement boundaries.

Conditions

14. The Council has suggested the imposition of several conditions in addition to the one required by statute. I find that most are required, albeit that their form and wording may be subject to change.
15. It is necessary in the interests of certainty that the development be carried out in accordance with the approved plans.
16. The suggested landscaping condition is imposed in the interests of visual amenity. For the same reason a condition relating to external building materials is necessary.
17. In the interests of biodiversity, the conditions recommended by the Council's ecological officer are imposed.
18. In the interests of highway safety, the conditions suggested by the County Council as Highway Authority are imposed.

Other matters

19. I have considered all other matters raised in the representations, including the views of the Parish Council and those of a local resident, but none is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers: 2618/1; /2; /3; /4; /5; /6; /7 & /8.
3. Prior to building above the dpc level, details of the external materials to be used in the construction of the dwelling shall be submitted to the local planning authority for its written approval. The approved details shall be implemented when the development proceeds above the dpc level.
4. Prior to the occupation or completion of the development hereby permitted, whichever is the sooner, a scheme of landscaping, including a scheme of site enclosure, shall be submitted to the local planning authority for its written approval.

5. All new planting in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following occupation of the building or completion of the development, whichever is the sooner; any trees or plants which, within a period of 5 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.
6. Before the dwelling is occupied details of the following matters shall be submitted for the written approval of the local planning authority: (a) the surface materials to be used in the construction of the proposed new access; (b) details of any entrance gates to be erected; (c) provision for surface water disposal; (d) a restoration scheme for the existing agricultural access, and (e) a scheme to ensure that the approved visibility splays are free of future obstruction. The access shall be built in accordance with the approved details and shall be retained thereafter as approved and in accordance with the approved schemes.
7. The use of the existing agricultural access shall cease no later than one month of the occupation of the dwelling, hereby permitted, and shall be restored in accordance with the approved details no later than 6 months of the occupation of the dwelling.
8. The development hereby permitted shall not commence (including any ground works or site clearance) until the applicant has undertaken a reptile survey of the site carried out at the appropriate time of year. The results of the surveys, and a scheme, shall be submitted to and approved in writing by the local planning authority before any work commences on site. The outcome of the survey should inform a scheme designed to avoid harm to any reptiles. Details in the scheme should identify:
 - methods for the safe trapping and translocation of any reptiles from areas where they're likely to come to harm from construction activities.
 - refuge or receptor areas for reptiles and providing protection to these areas from construction activities.
 - methods for preventing reptiles from re-entering areas where they are likely to come to harm from construction activities.
 - and provide information to all construction personnel about the scheme, including nature conservation and legal implications.
9. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice and recommendations of the submitted Halpin Robbins Assessment, dated 13 May 2018 and shall include:
 - a. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - b. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
 - c. Measures for the retention and replacement and enhancement of places of rest for nesting birds

The measures or works and their timing shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local

Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently retained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented.