



## Appeal Decision

Site visit made on 3 December 2018

by **H Porter BA(Hons) MScDip IHBC**

an Inspector appointed by the Secretary of State

Decision date: 13<sup>th</sup> December 2018

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**Appeal Ref: APP/H3320/W/18/3196600**

**Maples, Ellicombe Lane, Alcombe, Minehead TA24 6TR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs L Gurnett against the decision of West Somerset Council.
  - The application Ref 3/21/17/124, dated 17 November 2017, was refused by notice dated 1 February 2018.
  - The development proposed is outline consent for the erection of two detached dwellings within the residential garden area of Maples (re-submission of 3/21/17/026).
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### Decision

1. The appeal is dismissed.

### Procedural matter

2. The application was submitted in outline, with all matters except for access reserved for future consideration. I have dealt with the appeal on that basis, treating the site layout shown on the drawings as indicative.

### Main Issues

3. The main issues in this appeal are the effect of the proposed development on the character and appearance of the area, with particular regard to the effect on heritage assets; and the effect on living conditions of future and neighbouring residents, with particular regard to outlook and overlooking.

### Reasons

4. The appeal site lies at the periphery of Minehead/Alcombe in a location that, for planning policy purposes, is classified as being within open countryside. Policy SC1 of the West Somerset Local Plan to 2032, 2016 (LP) makes allowances for development in close proximity to Minehead/Alcombe, provided that certain criteria are met, including that the historic environment and character of the existing settlement would be respected (Criterion 4. C).
5. Ellicombe Lane is a single-track, unlit route that extends southwards off the main route into Minehead, close to the boundary with the Exmoor National Park. Notwithstanding its relative proximity to other residential development, some of which is relatively recent, Ellicombe Lane has a tangibly semi-rural character informed by mature high hedgebanks and the loose-knit, informal spacing of development along its length.

6. The appeal concerns a rectangular parcel of land associated with 'Maples', a detached bungalow dwelling set in substantial grounds. The appeal site is slightly elevated above Ellicombe Lane, bounded by a mature hedgerow, and, other than various dilapidated outbuildings is mainly laid to rough grass. The undeveloped, verdant characteristics of the appeal site serve the important function of filtering the transition between the more concentrated built form of the Minehead/Alcombe settlement and the rural, open countryside beyond.
7. The site benefits from planning permission for the development of a detached two-bedroom dwelling, which would be positioned towards the far right corner of the site and leave a substantial portion of the wider site open and undeveloped. Consequently, the generous garden and overall building-to-plot ratio of the approved scheme would fit well with the loose-knit pattern of development that characterises Ellicombe Lane.
8. The appeal proposal is to introduce two detached dwellings, utilizing the existing access off Ellicombe Lane. While noting that scale and layout are both reserved matters, the illustrative plans show the proposed dwellings as having a shared access driveway, being centrally located within their respective plots and with areas of lawn around them. Considering the size of the amount of land available and the quantum of development being proposed, there is no doubt that the scheme would substantially erode its open, verdant characteristics and diminish the contribution it makes to the wider countryside context.
9. Although the amount of space for gardens and landscaping would be more substantial compared with other recently approved developments nearby, the building-to-plot ratio would be at odds with the more loose-knit and informal development pattern locally. In addition, the parking areas and shared driveway provision would result in a contrived arrangement, more akin to a suburban housing estate than a semi-rural country lane. Furthermore, cutting the hedgerow back to achieve a visibility splay would diminish the sense of verdant enclosure along part of the Lane, to the further detriment of its inherent semi-rural qualities.

#### *Heritage Assets*

10. Section 66 of the Planning (Listed buildings and Conservation Areas) Act 1990 (the Act) requires that in considering applications which affect Listed Buildings, special regard must be had to the desirability of preserving the building or its setting. This duty is reflected in the National Planning Policy Framework, 2018. Immediately across Ellicombe Lane from the appeal site is an integrated complex of gardens, structures and outbuildings associated with Ellicombe Manor, a Grade II listed building, some of which are Grade II listed in their own right. These buildings derive their significance in part from their built fabric and their setting. Their settings include the other buildings within their complex, as well as their location within an agricultural landscape on the edge of Exmoor National Park. The mature boundary hedgerows, and the largely open and undeveloped nature of the appeal site reinforces the country-lane character of Ellicombe Lane, which makes a small but meaningful contribution to the setting of the listed buildings.
11. Overall, the proposal would result in an unwelcome encroachment into the intimate countryside context that defines this part of Ellicombe Lane, causing harm to the character and appearance of the area. Likewise, the appeal

scheme would erode an aspect of the bucolic charm that defines Ellicombe Lane and the tangible relationship with the wider open countryside. Irrespective of the set-back a final layout could achieve, and the quality of the individual houses, an aspect that contributes to the special interest and significance of Grade II listed buildings would be harmed through development within the setting. The proposed development would thereby run contrary to the expectations of the Act. Even though the harm would be less than substantial, it carries considerable importance and weight.

12. The appeal site is situated close to where archaeological remains of prehistoric cremations have been identified. Although the appellant has expressed willingness to survey the appeal site, Policies NH2 and NH4 establish that material change to a heritage asset should be accompanied by recording and interpretation. As the outline permission is establishing the principle of development without proportionate up-front assessment and evaluation, it would not be possible to establish the nature of the archaeological resource present within the site or to assess the potential impact on it of the development may have.
13. Overall, I consider that the proposed development would fail to respect the historic environment, character and appearance of the area. As a result, the proposal would result in an unjustified dwelling in the open countryside, contrary to the District's settlement strategy and open countryside development policies, SC1 and OC1. The development would also fail to satisfy the historic environment, heritage, and environmental design aims of Policies NH1, NH2, NH4 and NH13 insofar as these seek to enhance the historic environment, heritage assets and their settings, and the appropriate understanding of archaeological significance; and to protect an area's distinctive character, preserving the significance of heritage assets, including the contribution made to its setting; and to ensure development makes a positive contribution to the local environment.

#### *Living conditions*

14. The Council has raised concern that, owing to the density of development on the appeal site, the proximity of dwellings would give rise to harmful overlooking. However, while the outline scheme would be uncharacteristic, in my view there would be sufficient space between existing and proposed dwellings to ensure that there would not be a harmful loss of privacy as a result of overlooking. While the provision of a shared driveway may result in vehicles and movements to passing one dwelling, to my mind, suitable screening or orientation could be dealt with as part of the reserved matters in order to ensure the development would not materially affect living conditions. A lack of harm in this regard, however, does not alter my overall conclusion.

#### **Other matters**

15. A condition limits occupation of Maples to a person solely or mainly employed, or last employed, in the locality in agriculture. Occupation of Maples is therefore not related to the use of the wider landholding. Whether or not an application to revoke the condition comes forward in the future is a matter of speculation and one that would be considered by the Council on the balance of the evidence put to it. On the basis of the planning permission already granted at the appeal site, which includes use of its land for residential garden, the

agricultural occupancy tie at Maples would have had very little bearing on my overall decision if I had been minded to allow the appeal.

16. The proposal would require the cutting-back of a stretch of hedgerow running adjacent to Ellicombe lane, as well as part removal of the hedgerow within the site. Interested parties have raised concerns in relation to biodiversity and suggest the hedgerow is of ancient origin. Adopting a precautionary approach in relation to protected species, the potential ecological harm counts against the proposal. However, given my findings on the main issues, this is not a determinative issue.

### *Planning balance*

17. That the matter of Highway Safety was not one of the Council's reasons for refusal, and that I did not find harm in relation to living conditions or the occupancy condition, do not alter the conflict and additional harms found in relation to the Council's settlement strategy, design and historic environment policies. These factors also attract weight against the appeal.
18. In favour of the proposal are the economic and social benefits associated with the provision of one additional open-market dwelling (over and above that already approved) in a national context that seeks to boost housing supply and deliver a wide choice of homes. Other benefits would include the economic benefits associated with the construction phase and future occupiers feeding into the local economy. However, given the contribution that just one house would make, even cumulatively, the public benefits would be modest. Due to the environmental harm that would arise from the proposal's impact on heritage assets and the character and appearance of the area, I conclude that the proposal would be contrary to the development plan as a whole. Furthermore, the public benefits would not outweigh the less than substantial harm to the significance of designated heritage assets.

### **Conclusion**

19. I do not find there to be material considerations sufficient to outweigh the conflict with the development plan taken as a whole. I therefore conclude that the appeal should be dismissed.

*H Porter*

INSPECTOR