
Appeal Decision

Site visit made on 24 January 2017

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 7 March 2017

Appeal Ref: APP/D3315/W/16/3161791

Millgrove House, Mill Lane, Staplegrove, Taunton TA2 6PX

- 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 Mrs Melanie Alford against the decision of Taunton Deane Borough Council.
 - The application Ref 34/16/0010, dated 1 April 2016, was refused by notice dated 26 May 2016.
 - The development proposed is the erection of 2 no. two storey detached dwellings with double garages.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The application was made in outline with all matters reserved for subsequent approval.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area, and
 - ii) the effect on the setting of Staplegrove Lodge, a grade II listed building.

Reasons

4. The appeal site forms a field to the rear of Millgrove House, which is one of a small cluster of dwellings loosely strung along Mill Lane, which ends in a private road leading to a large complex of farm buildings. The site lies outside of the defined settlement limits for Taunton. The small group of dwellings along Mill Lane is of a mainly linear pattern; there are no dwellings set back from the road as far as those proposed here. The position of these dwellings and their juxtaposition to open fields gives the group a strong rural character.
 5. Policy CP8 of the Taunton Deane Adopted Core Strategy 2011-2028 (CS) 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 says 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, the most relevant of which is that it is in compliance with other national and local policies, and that it protects, conserves or enhances landscape and townscape character. CS Policy DM2 sets out uses which may be permitted in the open countryside, none of which include open market residential dwellings.

6. Since the refusal of the application, the Taunton Sites Allocation and Development Management Plan (SADMP) has been adopted. Policy SB1 deals with settlement boundaries and says that proposals outside of identified boundaries will be treated as being within open countryside and assessed against Core Strategy policies CP1, CP8 and DM2 other than in circumstances which do not apply here. Accordingly the proposal would conflict with the above-mentioned policies.
7. SADMP Policy TAU2: Staplegrove identifies a site for a new sustainable neighbourhood. The boundary of that site as shown in the concept plan supporting the policy wraps around this part of Mill Lane, incorporating land on three sides of the site. The appellant argues that this designation, and the change around the site that will be likely to occur, are material considerations of sufficient substance to outweigh the conflict with the development plan. In recommending the appeal proposal for approval, Council officers took the same view.
8. In its appeal submissions the Council has submitted a copy of a masterplan for the urban extension which shows the land on either side of Mill Lane being left undeveloped, with planting, open space and a large pond being indicated on the land immediately to the south of the appeal site stretching to the A358 Staplegrove Road. The appellant says that this masterplan has no status, and the Council has not explained clearly what planning purpose it serves or what weight might be attached to it. However, a neighbour has indicated that the masterplan was adopted by the Council in December 2015, and this has not been contradicted by the appellant. Policy TAU2 requires a masterplan and phasing strategy with associated infrastructure to be prepared by the developers in conjunction with the Borough Council and other stakeholders. Accordingly, although the masterplan may not have the force of a development plan document, it nevertheless carries some weight.
9. Moreover, the neighbour informs me that the masterplan has been included in two outline planning applications for the Staplegrove urban extension¹ and an extract has been provided to show that it is part of a design and access statement. Although these applications have not yet been determined, the fact that developers have carried forward the masterplan in their proposals adds to the weight that the masterplan carries. Accordingly, despite the inclusion of adjoining land as part of the designated urban extension, the evidence suggests that there is a realistic likelihood that the area surrounding the appeal site will remain undeveloped and that the rural character of the adjoining fields will be maintained.
10. The proposal is in outline, but the illustrative plan shows two large dwellings and garages sited between the walled garden of Staplegrove Lodge and the rear garden of Millgrove House. The appellant points out that layout is a reserved matter and it would be possible to site two houses closer to the parking area if necessary. However, as two storey houses with garages, they

¹ Refs: 34/16/0007 & 34/16/0014

would constitute a noticeable consolidation of the sparse residential development in this cluster, and would be visible from Mill Lane and over the garden wall of Staplegrove Lodge when viewed from the A358. The *Landscape Character Assessment of Taunton's Rural-Urban Fringe Sensitivity and Capacity study 2005* found that the Back Stream flood plain, of which the appeal site forms part, has a high landscape sensitivity overall. The site forms part of the open agricultural land, rising from the stream, fringed by woodland to the west and by a backdrop of trees and hills in the distance.

11. Although the site itself is some distance from the A358, it complements the field to the foreground in views from that road. To my mind, additional houses, even if partly screened by the garden wall, would nevertheless intrude into views from the A358 and erode the semi-rural character of the area.
12. I therefore conclude on this issue that the proposal would result in material harm to the character and appearance of the area and would conflict with the policies to which I have referred.

The setting of Staplegrove Lodge

13. Staplegrove Lodge is a Grade II listed building and comprises a large detached house set in spacious grounds, which include a walled garden on the western side. The curved brick wall which surrounds the westernmost part of the garden varies in height, but reaches 3m or so in parts, and, like the house itself, it can be seen across an open field from the A358 Staplegrove Road.
14. Lodge Cottage and Lodge Farm lie between the listed building and Millgrove House, and thus the proposal would lie within a similar context. However, the appeal site projects well to the west of the walled garden, and houses would need to be sensitively sited and designed so as not to detract from the appearance of the garden wall, which I regard as being important to the setting of the listed building. However, looking from the A358 to the south, Millgrove House can already be seen over the top of the garden wall, and so houses sited more or less in line between Millgrove House and the wall would make little material difference to this existing position or to the setting of the listed building.
15. I therefore conclude on the second main issue that the proposal would preserve the setting of the listed building, and would not conflict with CS Policy CP8, which includes the protection of heritage assets as one of its criteria.

Other matters

16. The appellant argues that the proposal amounts to sustainable development, and that notwithstanding the conflict with the development plan, that the presumption in favour of sustainable development should prevail in this case. However, that presumption does not apply where there is a conflict with an up to date development plan, as in this case.
17. The Environment Agency has advised in connection with one of the outline applications for the urban extension that the Back Stream, which runs adjacent the rear boundary of the site, has been known to be used by otters. There is no suggestion that the appeal site is a habitat for otters; the boundary with the stream is well-delineated by a post and rail fence to which both barbed wire and a wire mesh have been added.

18. Although neighbours refer to the existence of evidence of other protected species on the appeal site, I have not been provided with it. Given these circumstances, and the existing use as a paddock, where horses and people will be present in varying degrees, there is insufficient evidence to show that there is a likelihood of a protected species being present or affected by the proposal.
19. A neighbour has raised concerns about the exacerbation of flood risk. A small part of the lower, western edge of the site lies within Flood Zone 2, but the remainder of the site, where the houses are likely to be sited is in Flood Zone 1. There was no objection to the proposal from the Council's technical consultees, and in view of the large size of the site, I consider that there is ample scope to ensure that runoff could be attenuated to greenfield rates, and thus not add materially to any existing flood risk.
20. I note that there have been problems in the past with noise associated with the abattoir to the north of the site, but there is insufficient evidence for me to conclude that living conditions for occupiers of the proposed dwellings would be materially harmed. Similarly, the use of Millgrove House as a holiday let is not an inherently noisy use, and problems of loud parties can be addressed, if necessary, under other legislation and should not preclude residential development. The reduced area available for parking may limit the attractiveness of Millgrove House as a holiday let for large groups, but is not a reason to prevent the proposal.
21. I have had regard to the other concerns expressed by neighbours, including highway safety, but these are insufficient to add to my reason for dismissing the appeal.

Conclusion

22. For the reasons given above, I find that the proposal conflicts with the development plan as a whole, and that there are insufficient material considerations to outweigh that conflict. Accordingly the proposal must be dismissed.

JP Roberts

INSPECTOR