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## Appeal Decision

Site visit made on 11 July 2017

**by Rory Cridland LLB (Hons), Solicitor**

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

**Decision date: 22<sup>nd</sup> August 2017**

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### **Appeal Ref: APP/D0121/W/17/3170939**

### **Land off Front Street and adjacent to Kewstoke Lodge and Oakhill, Churchill, North Somerset BS25 5NB**

- 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 Ms Zena Bishop against the decision of North Somerset Council.
  - The application Ref 16/P/0798/O, dated 17 March 2016, was refused by notice dated 21 September 2016.
  - The development proposed is described as "outline application for the construction of eight dwellings, formation of new vehicular and pedestrian access, provision of associated highway and drainage infrastructure and landscaping. Improvements to footpaths. (All matters reserved except access)".
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. The application was submitted in outline, with matters relating to appearance, landscaping, layout and scale reserved. I have dealt with the appeal on that basis, treating all plans as illustrative, except where they deal with matters of access.
3. The Council's first reason for refusal relates to the acceptability of the site's location and its accessibility to local facilities. However, within its written evidence the Council has confirmed that it wishes to withdraw this refusal reason. On the basis of the submitted evidence, I have no reason to disagree with the Council's approach in respect of this matter. Accordingly, I have not considered it as part of my reasoning below.

### **Main Issues**

4. The main issues are the effect of the proposed development on:
  - (i) the character and appearance of the area; and
  - (ii) highway safety.

### **Reasons**

#### *Character and appearance*

5. The appeal site is located partly within and immediately adjacent to the settlement boundary of Churchill. It consists of an irregular shaped parcel of Grade 2 agricultural land measuring around 0.4 hectares. Located between

existing residential properties to the east and west, it has a frontage onto Front Street, a main access road through the village. To the north is Windmill Hill, a large elevated landform which provides extensive views over the surrounding pastoral landscape including the appeal site.

6. Policy CS32 of the Core Strategy<sup>1</sup> (CS) supports new development within or adjoining settlement boundaries of service villages<sup>2</sup> provided, amongst other things, they respect and enhance local character and reinforce local distinctiveness. The explanatory text makes clear that small scale proposals adjoining settlement boundaries will generally be acceptable in principle provided, amongst other things, they respect the scale and character of the village and the site's location. Proposals which result in significant adverse impacts on the character of the village will not be supported. Likewise, CS Policies CS5 & CS12 seek to protect and enhance the character and distinctiveness of North Somerset's landscape and require proposals to demonstrate a sensitivity to the existing local character.
7. Similarly, Policies DM32 and DM37 of the Development Management Policies Sites and Policies Plan Part 1<sup>3</sup> (DMP) restrict development which, amongst other things, adversely affects local character. In addition, DMP Policy DM10 seeks to ensure that proposals do not have an unacceptable adverse impact on the designated character of the district by reference to the Landscape Character Assessment Supplementary Planning Document (2005) ("the Landscape SPD"). Furthermore, it seeks to ensure that proposals respond to local character and minimise landscape impact.
8. The Council is concerned that in extending development rearwards, the scheme would adversely impact on the linear pattern which is characteristic of this part of Churchill. However, although the development pattern is mostly linear, there is considerable variation in both density and building line with a number of examples of higher density developments sited further back within the wider village on both sides of the road. It is clear from the aerial photographs submitted by the appellant that development within the wider area extends further back than is the case in the immediate surroundings. I do not therefore consider it would have any material impact on the character of the village when viewed from Front Street.
9. Nevertheless, the introduction of a large T-Junction at this location would result in significant alterations to this section of road. It would erode its rural nature and introduce a modern, urban form of development which appeared out of keeping with its surroundings. This would negatively impact on the character of the western approach to the village and would be contrary to policies DM32 and DM37.
10. Furthermore, although the extension of built form rearwards would not materially impact on the character of the village when viewed from the road, it has a much greater effect on the landscape when viewed from the footpaths above Windmill Hill. The site falls within the River Yeo Rolling Valley Farmland character area as identified in the Landscape SPD, a key characteristic of which is its pastoral landscape. While recognising that modern development is evident within villages, the Landscape SPD notes

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<sup>1</sup> North Somerset Core Strategy (2017).

<sup>2</sup> including Churchill.

<sup>3</sup> (2016).

that these often form a harsh edge to what are otherwise traditional buildings and adopts a landscape strategy which aims to conserve this rural, pastoral character

11. The appellant has provided a Landscape and Visual Rebuttal Statement (LVRS) that concludes that any impact on the landscape would be limited and that long distance views which inform the setting of the village would remain unchanged. I do not agree. The appeal site is clearly agricultural in nature and provides part of the framing of the settlement. It is prominent in views from Windmill Hill and acts as a buffer between this elevated part of the landscape and the built environment of the village. Although it sits on a similar elevation to the rest of the village, it is more open and occupies a prominent position in views of the landscape from the footpaths to the north, particularly from the elevated hillside.
12. The introduction of 8 dwellings extending rearwards from the existing building line would be visually prominent from Windmill Hill. They would occupy the foreground, dominating views across the landscape and impacting negatively on its pastoral character. While I accept that, over time, their impact could be reduced by sensitive landscaping, this would not provide any significant levels of screening.
13. Although I acknowledge that the introduction of other urbanising influences has already influenced the appeal site, these are minor and do not detract from the rural setting of the village. They do not justify the loss of this open area and its replacement with a significant amount of built form which would negatively impact on the surrounding landscape.
14. Consequently, for the reasons set out above, I find that the proposal would have an adverse impact on the character of this part of Front Street and would negatively impact on the character of the wider landscape. As such, it would conflict with CS Policies CS5, CS12 & CS32 as well as DMP Policies and DM10, DM32 & DM37, all of which seek to prevent such harm.

#### *Highway safety*

15. Front Street is a narrow unclassified highway with limited footways. It is subject to a 30mph speed limit and provides a main route through the village of Churchill. DMP Policy CM24 permits development provided it does not prejudice highway safety or inhibit necessary access for, amongst other things, waste collection vehicles.
16. The proposal would create a new access onto Front Street approximately 110 meters east from the junction with Hillier's Lane. The Council accepts that the design of the junction and its visibility splays would be in line with the guidance set out in the Manual for Streets. However, it raises concerns regarding the ability of large vehicles to turn left into the site and left out of the site.
17. The appellant has submitted a transport statement which demonstrates that a 4 axle vehicle would be required to utilise the entire width of the site when turning into the new development. However, this is no different to the situation at the junction with Hillier's Lane or Orchard Walk. I have seen nothing which would indicate that this situation has posed any material risk to highway safety.

18. Furthermore, the number of waste vehicle movements is considerably limited with the Council advising that there would be a maximum of 2 per week. While these may be at a time when pedestrian movements were high, any risk posed would be limited both in its frequency and duration. Moreover, I note the appellant's evidence which indicates that the 3 axle vehicle currently in operation along this section of highway would be more easily accommodated.
19. Accordingly, I find that the development would not have a detrimental impact on highway safety and, as such, find no conflict with DMP Policy DM24 which seeks to guard against such harm.
20. The Council has also referred in its decision notice to CS Policy CS 10. That policy supports proposals that encourage an improved integrated transport network and allows for a wider choice of modes of transport. However, in view of the site's location and easy access to services, I am satisfied that it provides a wide choice of transport options for future occupiers. I therefore find no conflict with this policy.

### **Planning Balance**

21. The Council has accepted that it is currently unable to demonstrate a five year supply of housing land. In accordance with Paragraphs 49 & 14 of the National Planning Policy Framework ("the Framework"), there is a presumption in favour of granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. The proposal, while modest, would deliver a number of benefits including its contribution to the overall housing supply. Based on the council's most recent estimate of 4.2 years, I afford this considerable weight.
23. In addition, the proposal would result in a number of benefits to the local economy as well as providing some modest support for local services. Cumulatively they provide some additional support in favour of the proposal and I afford them a moderate amount of weight.
24. However, although I have found above that the proposal would not have a detrimental impact on highway safety, I have nevertheless found that it would have a harmful impact on the character of the village and the surrounding landscape. I consider these impacts to be substantial. When assessed against the policies in the Framework taken as a whole, I find that the adverse impacts identified above would significantly and demonstrably outweigh the resultant benefits.

### **Conclusion**

25. Consequently, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Rory Cridland*

INSPECTOR