
Appeal Decision

Site visit made on 22 August 2017

by Mike Fox BA (Hons) DipTP MRTPI

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

Decision date: 30 August 2017

Appeal Ref: APP/V3310/W/17/3176292

Sunnybank, Watchfield, Highbridge, Somerset, TA9 4RD

- 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 Michael Cotton against the decision of Sedgemoor District Council.
 - The application Ref 12/17/00001 DRT, dated 17 February 2017, was refused by notice dated 4 May 2017.
 - The development proposed is erection of dwelling and double garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) Whether the erection of a new dwelling in the countryside can be supported by national policy and the development plan, which seek to protect the countryside from sporadic development;
 - (ii) The effect of the proposed development on the character and appearance of the surrounding area;
 - (iii) The effect of the proposal on the living conditions of existing neighbouring occupiers and future occupiers of the proposed development; and
 - (iv) Flood risk.

Reasons

3. Watchfield is a small, linear settlement straddling the B3139, Mark Road. Sunnybank is a detached dwelling, located towards the front of the Appellant's land, facing Mark Road. The rear of the site, where the proposed dwelling and garage would be situated, is a large, flat grassed area, bordered by trees and hedges. The proposed development would be located at some distance from Sunnybank, close to a small watercourse.

Issue 1 – Policies for the protection of the countryside

4. The appeal site is located outside all of the designated settlements identified in policy S1 in the Core Strategy¹ to accommodate future housing growth in the

¹ Sedgemoor District Council Core Strategy 2006-2027; adopted October 2011.

District, in the interests of pursuing the most sustainable form of development for Sedgemoor and to manage appropriately flood risk. The appeal site is not located where it is proposed to re-use and recycle previously developed land and buildings. Policy S6 strictly controls development everywhere else in the District.

5. There are exceptions to Core Strategy policy S6, which apply to development which relates to specific countryside needs, or where a countryside location is essential or more sustainable, but the proposal before me does not fall within any of these categories. The Core Strategy reflects national policy, as expressed in *the Framework*², which states that local planning authorities should avoid new isolated homes in the countryside (paragraph 55).
6. I therefore conclude on the first main issue that the proposal would be at odds with national policy and the development plan, to strictly control development in the countryside outside designated areas for sound, sustainable reasons.

Issue 2 – Character and appearance

7. I agree with the Council that the proposed front elevation gives the appearance of being out of proportion, due to the ratio of roof to wall. I also note that the dimensions of the proposed garage would fall just short of the highway authority's 6m x 6m requirement. On the basis of these considerations, I conclude on the second main issue that the design of the proposal would not be compatible with the requirements of Core Strategy policy D2 and the highways authority.

Issue 3 – Living conditions

8. I am not persuaded that the proximity of a new driveway to the existing access to Sunnybank would result in undue noise or disturbance to the existing occupiers of the property, given the low level of vehicle movements likely to be generated by the proposal. I also consider that the separation distances between the windows serving habitable rooms in Sunnybank and the proposed house are sufficient to maintain adequate levels of privacy for both sets of occupiers. Hence, I conclude in relation to the third main issue that the proposal would not be contrary to Core Strategy policy D16.

Issue 4 – Flood risk

9. The new flood risk zone map from the Environment Agency shows that, in common with most of the backland areas in the settlement, away from Mark Road, the location of the proposed dwelling and garage are within Flood Zone 2, with a small section of Zone 3a in the south-east corner of the site. This is in contrast to Sunnybank, which is just located within Zone 1.
10. Core Strategy policy D1 states that in Flood Zones 2 and 3, development will only be permitted where the Sequential Test is passed. The appeal site is located outside the settlements listed in Core Strategy policy S1, which means that the area of search is the Sedgemoor District area. The Council states that, within this context, there are sites available in Flood Zone 1 that should be developed before this Flood Zone 2 site. I also note that the Axe Brue Internal Drainage Board (ABIDB) objects to the proposal on the grounds that it would

² DCLG: National Planning Policy Framework (*the Framework*); March 2012.

be too close to a watercourse. Despite the Appellant's comments, I have no reason to take a different view to the Council or the ABIDB.

11. On the basis of the above considerations, I conclude in relation to the final main issue that the proposal would not constitute sustainable development in relation to flood risk and as such would be contrary to Core Strategy policy D1 and national planning policy, as expressed in section 10 of *the Framework*.

Conclusion

12. I have found that the proposal would be contrary to national policy and the development plan, which aim to protect the countryside from sporadic development and steer new development into sustainable locations; that it would be inappropriate in some aspects of its design; and that it would have an unacceptable risk of flooding, as it is located within Flood Zone 2 of the Environment Agency's new flood risk zone map (May 2017), with no eligibility on the basis of the exceptional development criteria or the Sequential Test. For the reasons given above and having regard to all other matters raised. I conclude that the appeal should fail.

Mike Fox

INSPECTOR