



Appeal Decision

Site visit made on 12 December 2017

by Mike Fox BA (Hons) DipTP MRTPI

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

Decision date: 18th December 2017

Appeal Ref: APP/D3315/W/17/3180784

Station Farm, Station Road, Bishops Lydeard, Taunton, TA4 4BU

- 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 Taylor Wimpey, Exeter against the decision of Taunton Deane Borough Council.
 - The application Ref 06/16/0036, dated 5 August 2016, was refused by notice dated 6 April 2017.
 - The development proposed is the construction of 3 dwellings, together with associated car parking, landscaping and drainage infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 3 dwellings, together with associated car parking, landscaping and drainage infrastructure at Station Farm, Station Road, Bishops Lydeard, Taunton, TA4 4BU, in accordance with the terms of the application Ref 06/16/0036, dated 5 August 2016, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is whether the benefits of the proposal outweigh any harm, having particular regard to the development plan and national planning policy relating to the need for employment land in the Bishops Lydeard area.

Reasons

3. The appeal site is a plot of unused scrubland, located at the south-east corner of a residential cul-de-sac on the edge of the settlement of Bishops Lydeard, but within the designated settlement boundary, so the principle of development has been established. The site was initially allocated for commercial or tourism land in policy CP2 of the Taunton Deane Core Strategy, and again the site was allocated in December 2016 for an extended range of uses - recreational, tourism, commercial and other employment generating uses - under policy MAJ5 of the Taunton Deane Site Allocations and Development Management Plan (SADMP).
4. Outline planning permission was granted on the site in August 2011 for a two-storey office building, in order to provide additional employment generating activities in Bishops Lydeard and to achieve an appropriate balance of housing and jobs within the area, in line with its designation as a Major Rural Centre in policy SP1 of the Core Strategy. However, the permission lapsed in August

- 2014, with no expressions of interest having been received for employment generating development.
5. The aim to secure the site for employment generating uses is supported in the Bishops Lydeard and Cothestone Neighbourhood Plan¹, which was 'made' (adopted) in July 2016.
 6. The Council considers that it is important that there is an appropriate mix of both employment and residential sites in the Bishops Lydeard area, and that the loss of this, one of only two sites allocated for employment generating uses, would result in an imbalance between housing provision and other uses, contrary to the provisions of policy SP1 of the Core Strategy.
 7. The Council accepts that national policy, as expressed in paragraph 22 of *the Framework*², states that planning policies should avoid the long term protection of sites allocated for employment use, and that there should be a regular review of allocated employment sites. *The Framework* states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land should be treated on their merits having regard to market signals.
 8. The Appellant has submitted a marketing exercise which demonstrates that despite active marketing over the period April 2013 to May 2015, during which time the site had planning permission for employment use, there was a lack of demand for any form of commercial property or employment generating use on the site. The Council's Economic Development Manager has indicated that an adequate marketing exercise has been undertaken by the Appellant. The Council, however, states that in the new policy MAJ5 of the SADMP, the range of commercial uses has been extended, and that a judgment has to be made as to whether there is a reasonable prospect of the site being used for the range of uses that would now be accepted on the site.
 9. I agree with the Council that a judgment has to be made. The SADMP has now been adopted for a year, with no commercial interest having been recorded during this time. This is despite the representation from the local parish council that the West Somerset Railway (WSR) still has ambitions to grow; however, access from the site to the existing railway facilities could be viewed as challenging or convoluted, and in any event there is no recorded interest from the WSR that has been forwarded to me. Moreover, the WSR did not object to the appeal application, and the appeal site is not included in their Gateway Project for future development.
 10. There has now been a period of over four years which has passed since the start of the Appellant's marketing exercise, including the existence of a planning permission for employment uses. I consider that this period is sufficiently long to demonstrate that there is no realistic interest in the site being developed for commercial use, and that the proposed development would pass the tests set out in paragraph 22 of *the Framework*.
 11. The main benefits of the proposed development would be a modest contribution of three dwellings to the Council's dwelling stock, within a small residential estate where the proposal can be seen as 'rounding off' the estate

¹ Paragraph 5.2.17 on page 30 of the Neighbourhood Plan states that the remaining undeveloped land (ie the appeal site) should be reserved for the purposes permitted).

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

rather than as an incursion into open countryside. It would also secure the satisfactory development of a vacant site. My conclusion therefore is that the benefits of the proposed development would outweigh continued safeguarding of a vacant site, on which the evidence points to the site being unwanted for commercial or any form of employment generating development. Policy MAJ5 also does not rule out non-B Class uses on the site, and there would appear to be no environmental or other constraints which would weigh against the proposed development.

12. I also consider that the proposed residential development would be assimilated more successfully with the surrounding housing than employment generating development, especially if there were a substantial amount of associated HGV traffic movement. Earlier representations against the proposal based on difficulty in gaining access onto the A39 to the east, have now been overcome with the recent opening of a roundabout at the junction of the A39 with Greenway Road.
13. I have considered the list of conditions suggested by the Council, which I consider to be reasonable and accord with the requirements of paragraph 206 of *the Framework*. The standard 3 year time limit and list of plans are required in the interests of proper planning. Conditions (3) and (6) are in the interests of safeguarding the character and appearance of the area. Condition (4) is in the interests of the visual amenities of the area. Condition (5) is to prevent any increase in off-site flooding risk, in accordance with policy CP8 of the Taunton Deane Core Strategy and national planning policy. Condition (7) is in the interests of the smooth operation of the highway.
14. In conclusion, I have found that the benefits of the proposal would outweigh any harm, given that there has been no market demand for employment generating development on the appeal site for over 4 years from the start of the marketing exercise; and that the proposed development would not be contrary to either the development plan or national policy. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Mike Fox

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, ref 8048-PI01 Rev C; Existing Site Plan, ref 8048-PL02; Proposed Site Plan, ref 8048-PL03 Rev A; Proposed Boundaries Plan, ref 8048-PL04 Rev A; Proposed Materials Plan, ref 8048-PL05 Rev A; Garages – Plans and Elevations, ref 8048-PL06 Rev A; House type PA49 Plans and Elevations, ref 8048-PL20; House type PB52 Plans and Elevations, ref 8048-PL21; and House type D2000 Plans and Elevations, ref 8048-PL22 Rev B.
- 3) Prior to the occupation of the development hereby approved, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the local planning authority, and it shall be implemented in accordance with the approved details. The scheme shall be completely carried out within the first available planting season from the date of the commencement of the development or as otherwise extended with the agreement in writing of the local planning authority. For a period of 5 years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed-free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the local planning authority.
- 4) Prior to the construction of the foundations of the development hereby permitted, the proposed finished floor levels shall be submitted to and approved in writing by the local planning authority. The approved details shall be adhered to during construction and shall thereafter be maintained as such.
- 5) Prior to their installation, full details of the means of disposal of surface water shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the occupation of the first dwelling and shall thereafter be maintained as such.
- 6) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless agreed in writing by the local planning authority.
- 7) The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning vehicles in connection with the development hereby permitted.