
Appeal Decision

Site visit made on 29 January 2018

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2018

Appeal Ref: APP/D3315/W/17/3181230

Land at Beechwood, High Street, Milverton, Taunton, TA4 1LL

- 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 John Thompson against the decision of Taunton Deane Borough Council.
 - The application Ref 23/16/0038, dated 4 October 2016, was refused by notice dated 7 February 2017.
 - The development proposed is described on the application form as "Outline Planning Permission (All Matters Reserved) for 5 dwelling houses ('Self Build' serviced plots)"
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Decision

1. The appeal is dismissed.

Main issues

2. Having regard to the Council's reasons for refusal the main issues are, firstly, the effect of the proposed development on the character and appearance of the surrounding area, including on the Milverton Conservation Area and other heritage assets; secondly, its effect on potential archaeological interests; and finally, whether a satisfactory access onto High Street could be constructed.

Reasons

The effect on character and appearance

3. The appeal site comprises an irregularly shaped plot of undeveloped paddock land, lying outside the defined settlement boundary of Milverton, on the south side of High Street. It is bounded by existing residential development on much of its northern boundary, with a small electricity sub-station to its east. Residential development at Woodbarton lines much of the site's southern boundary, although as this development sits at a much lower level it is not particularly visible when the site is viewed from its existing access, which is a field gate in a stone wall at High Street. The site's western end is bounded by further paddock land, with more open agricultural land lying further to the west.
4. The site is generally fairly level, although it does tend to slope gently down to its southern boundary, and contains some appreciable undulations. In addition, the part of the site closest to High Street sits at a noticeably higher level than this adjacent highway. The site contains a fairly large, mature tree at its eastern end and a few apple trees along its northern side. There are also 2 timber, animal shelters, sited close to the rear boundary of Beechwood. The whole of the appeal site lies within the Milverton Conservation Area.

5. The Taunton Deane Core Strategy (CS) was adopted in 2012, and its Policy SP1 details what the Council considers to be sustainable locations for development. For Minor Rural Centres, such as Milverton, the Council expects new housing development to comprise small-scale developments within the settlement boundary, primarily on previously developed land. Outside of the settlements defined in this policy, proposals are to be treated as being in open countryside. This point is reinforced in Policy SB1 from the Taunton Deane Site and Allocations Development Management Plan (SADMP) adopted in 2016.
6. CS Policy CP8, also referred to in the Council's reasons for refusal indicates, amongst other matters, that the Council will conserve and enhance the natural and historic environment and will not permit development proposals that would harm these interests. It states that unallocated greenfield land outside of settlement boundaries will be protected and, where possible, enhanced - and goes on to explain that development within such areas will be strictly controlled, in order to conserve the environmental assets and open character of the area.
7. Whilst development outside of settlement boundaries will be permitted in certain circumstances, the policy explains that development should protect, conserve or enhance landscape and townscape character, whilst maintaining green wedges and open breaks between settlements; and should protect, conserve or enhance the interests of natural and historic assets. Furthermore, CS Policy DM1 requires proposals for development to not unacceptably harm the appearance and character of the affected landscape, settlement, building or street-scene.
8. The appellant acknowledges that the appeal site lies outside the settlement boundary, but argues that as it is located hard against this boundary, its development could be seen as a natural extension to the settlement. The appellant also maintains that the proposed development would respect the character of the area and would represent sustainable development as detailed in the National Planning Policy Framework ("the Framework"). A particular strand of the appellant's case is that as this application seeks planning permission as a matter of principle only, all matters concerning any perceived impacts on the Conservation Area, openness and heritage could readily be addressed during any subsequent approval of reserved matters.
9. However, I do not agree. In my assessment, development of the appeal site would clearly be at odds with CS Policy CP8 as it would adversely impact on the area's open character and would fail to protect, conserve or enhance this part of the townscape. Furthermore, it would fail to preserve the character or appearance of the Milverton Conservation Area, as this particular strip of open land is highlighted in the Conservation Area Appraisal Document as representing an important green "gap" in the continuity of development. The Appraisal notes that this open land is immediately visible on entering High Street, providing a physical linkage and views into the landscape beyond, and goes on to state that this provides an immediacy of connection between the village and its hinterland which is an important aspect of historic character.
10. Notwithstanding the outline nature of this proposal, and the fact that the development layout put forward at this stage is only indicative, the appellant has provided no clear evidence to persuade me that a detailed layout for 5 dwellings could be devised for this site which would not be harmful to the character and appearance of the Conservation Area. As such the appeal proposal would also be in conflict with CS Policy DM1, and would be at odds with paragraph 133 of the

Framework which explains that where a proposed development would lead to substantial harm to a designated heritage asset, local planning authorities should refuse planning permission unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. I explore this matter in the planning balance, later in this decision.

11. I have noted the Council's contention that the proposed development would cause substantial harm to the setting of the Grade 1 listed St Michael's Church, which lies some little distance to the east, on the far side of St Michael's Hill. However, the immediate setting of the Church is formed by its grassed churchyard, and there is a mix of buildings and open spaces in its wider setting. The appeal site itself does not appear to play any specific role in the setting of the Church, and is not referred to as such in the Conservation Area Appraisal. In these circumstances I consider that if there was to be any harm to the Church's setting by development on the appeal site, this harm would be less than substantial.
12. Paragraph 134 of the Framework deals with situations where less than substantial harm is caused to the significance of a designated heritage asset and explains that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Like the Council I consider that less than substantial harm could be caused to the settings of 2 listed buildings which adjoin the appeal site boundary – Pithayne and Fort Gate on St Michael's Hill – as a result of the increased amount of built form adjacent to these listed buildings. As noted earlier, I assess this harm against any public benefits, later in this decision.
13. On this first main issue, for the reasons set out above, I conclude that the appeal proposal would have an adverse impact on the character and appearance of the surrounding area, and would also fail to preserve or enhance the character and appearance of the Milverton Conservation Area. Accordingly, I find conflict with the development plan policies to which I have already referred.

The effect on potential archaeological interests

14. The Council Officer's Report states that Milverton is a medieval village with the potential for Bronze age/pre-historic archaeology, and notes that a desk-based assessment and field evaluation should have been undertaken by the appellant to inform the likely nature of archaeological remains on the site. This reflects the consultation views expressed by South West Heritage, and the content of paragraph 128 of the Framework. No such assessment has, however, been submitted, with the appellant maintaining that any archaeological interests could be readily addressed by a suitable condition being attached to any planning permission granted.
15. It is indeed that case that archaeological concerns can often be addressed by an appropriate planning condition, but in this case, in the absence of any initial study or assessment, as referred to above, it is not possible to establish whether or not a planning condition would be able to satisfactorily preserve any archaeological interests. SADMP Policy ENV4 makes it clear that where a development proposal could affect archaeological remains, developers must provide for satisfactory evaluation of the archaeological value of the site, and the likely effects on it as part of the planning process. Such matters need to be established before any planning permission is granted. Because of this I conclude that it has not been demonstrated that the proposed development would not have an adverse impact on potential archaeological interests. The proposal is therefore at odds with SADMP Policy ENV4, CS Policy CP8, and paragraph 128 of the Framework.

Access

16. The highway access shown on the submitted plans is indicative only, and whilst the Somerset County Council Transport Development Group raised no objection to the principle of residential development on this site, it was concerned that the indicative access did not appear to achieve suitable visibility in either direction. In view of the difference in levels between the site and High Street, the presence of the stone boundary wall and the bend in the road to the west I, too, am not persuaded that the required visibility of 43m to the west, from a set-back of 2.4m, could be achieved with the access in the position currently shown. It did seem to me, however, that adequate visibility to the east could be achievable.
17. It may be possible to relocate the access more to the east, in order to achieve this westwards visibility, but this is likely to impact on the land currently shown as the location for the Plot 1 dwelling, such that it is unclear whether or not it would still be possible to accommodate 5 dwellings on this site. Nevertheless I conclude, on balance, that a junction of the appropriate standard and with adequate visibility could quite likely be achieved on this High Street frontage. Because of this, if all other matters had been satisfactory the appeal would not have failed for this reason alone.

Other matters

18. I have noted the appellant's comment that the Council currently has no sites registered as suitable for self-build and custom build development, as required by the Housing Act 2016. But whether or not this is the case, it has no direct bearing on the planning considerations covered by the main issues in this appeal.

Summary and overall planning balance

19. I have found against the appeal proposal on the first 2 main issues, concluding that the proposed development would have a harmful effect on the character and appearance of the surrounding area and result in substantial harm to the Milverton Conservation Area. This would result in environmental harm and, as such, the proposal would not satisfy the environmental dimension of sustainable development as detailed in the Framework. I accept that the provision of 5 plots for self-build and custom build development would represent a public benefit, but this would in no way be sufficient to outweigh the substantial harm to the Conservation Area.
20. For all the above reasons my overall conclusion is that this appeal should be dismissed. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led me to this conclusion.

David Wildsmith

INSPECTOR