



Appeal Decision

Site visit made on 5 February 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/17/3181011

Land to the east of Wild Oak Lane, Trull, Taunton

- 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 Nigel & Mrs Helen Fry against the decision of Taunton Deane Borough Council.
 - The application Ref 42/17/0005, dated 3 March 2017, was refused by notice dated 26 May 2017.
 - The development proposed is the erection of a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. At the time the Council refused planning permission for this proposal the Trull Neighbourhood Plan ("TNP") had not been subject to public referendum. However, a referendum was held in June 2017 with a large majority of those voting giving their support to the TNP, which was subsequently adopted by the Council in July 2017. The TNP is therefore now part of the development plan.

Main issue

3. Having regard to the representations made, and the Council's reason for refusal, the main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The appeal proposal seeks to erect a large, individually-designed 2-storey detached dwelling, with an attached double-garage and undercover parking for a third car, on an area of agricultural land lying adjacent to the eastern side of Wild Oak Lane, outside the settlement boundary for Taunton.
5. The western side of Wild Oak Lane is built up along its length, with dwellings of differing styles and sizes set in variously-sized plots, but development is more sporadic on the eastern side of this road. Although there is a continuous row of frontage residential development to the south of the appeal site, the appeal site itself introduces a break in this frontage development of some 90m between Sunningdale in the south and the next property to the north – Withywind. There is then another break in development, of about 150m, created by a large agricultural field which runs up to the road frontage, before the next property to

the north – Applecombe. A small amount of further development lies to the north of Applecombe, before the junction with Honiton Road is reached.

6. The appeal site and the agricultural field between Withywind and Applecombe form part of a much larger area of open space on this eastern side of Wild Oak Lane, extending behind the frontage development and containing a public right of way and the Sherford Stream, which run broadly north-south through this area. The Council has explained that this open space is part of the Vivary Green Wedge, designated in the Council's Site Allocations and Development Management Plan ("SADMP") which was adopted in 2016.
7. This green wedge is part of a network of green infrastructure assets which the Council has identified and which, in summary, are to be retained and enhanced, as detailed in Policy CP8 of the Council's Core Strategy ("CS"), adopted in 2012. This policy indicates that unallocated greenfield land outside of settlement boundaries will be protected and, where possible, enhanced. It goes on to state that development within such areas will be strictly controlled in order to conserve the environmental assets and open character of the area. It then sets out a number of criteria, all of which must be met for development to be permitted in such areas. In my assessment the appeal proposal does not satisfy these criteria.
8. The appeal site also forms part of the Trull Meadow Local Green Space (LGS) designated in the adopted TNP under Policy E1. The TNP explains that these areas of LGS have been designated in accordance with guidance in paragraph 76 of the National Planning Policy Framework ("the Framework"), which states that by designating land as LGS local communities will be able to rule out new development other than in very special circumstances. In this regard the Framework explains that local policy for managing development within a LGS should be consistent with policy for Green Belts.
9. The Framework goes on to make it plain that identifying land as LGS should be consistent with the local planning of sustainable development, and needs to satisfy a number of criteria. The fact that the Trull Meadow LGS is included in the adopted plan, under Policy E1, demonstrates that it has been considered to accord with these criteria.
10. Paragraph 89 of the Framework indicates that the construction of new buildings should be regarded as inappropriate in Green Belt (and hence also in LGS). However, there are a number of exceptions to this general policy stance, and the appellants argue that the exception listed in the final bullet point of this paragraph, relating to "limited infilling", should apply in this case. In support of this view, the appellants' case is that as the appeal site has development on 3 sides, it should be seen as an infill plot within an otherwise developed road frontage and, as such, its development should not be seen as inappropriate, and the "very special circumstances" test should not apply.
11. However, whilst I acknowledge that there is no definition of "limited infilling" in the Framework, there are several reasons why I do not consider that the appeal proposal can be so described. Firstly, as the appeal site's frontage seems to me to be at least twice the width of the other developed plots to the south, I am not persuaded that full development of this entire site with a single dwelling could be reasonably seen as being in any way "limited infilling".
12. Moreover, having regard to the extent of existing development on this eastern side of Wild Oak Lane, as detailed above, I do not consider that it can be

reasonably described as “an otherwise developed road frontage”. There is a significant break in development between Sunningdale and Applecombe, with Withywind appearing more as a rather isolated dwelling, surrounded by a large expanse of agricultural land on 3 sides, than as part of a developed frontage.

13. In any case, a complete reading of the last bullet point of the Framework’s paragraph 89 makes it clear that for any limited infilling within the Green Belt or LGS to be acceptable, it should not have any greater impact on openness and the purpose of including land within that designation, than the existing development. With a proposed floor area of some 478 sqm, and a relatively extended built footprint, and with built form rising up to 2 storeys, I have no doubt that the proposed development would have an increased impact on openness, compared to the existing development in this locality. It would also reduce the extent of the current visual connection between the LGS and Wild Oak Lane, especially apparent to pedestrians who use this road. In light of the above points I find the appeal proposal to be in conflict with Policy E1 of the TNP and also with Policy CP8 of the CS, referred to above.
14. I have noted the appellants’ contention that the appeal site lies in a sustainable location, within easy walking distance of the good range of services and facilities provided within Trull, and I do not dispute this. However, it does not automatically follow that development of the appeal site would represent sustainable development, as described in the Framework. Indeed the clear conflict with adopted development plan policies which I have just identified, means that the appeal proposal does not represent sustainable development.
15. In this regard the appellants’ assertion that the appeal site fulfils the criteria for inclusion within a settlement boundary can carry very little weight. The fact remains that the site does not lie within the settlement boundary of Taunton, and it is to this that I have to have regard. Similarly, I can give very little weight to the appellants’ further assertion that if assessed on its own, rather than as part of a much wider area of land, the appeal site does not warrant inclusion within either the Vivary Green Wedge of the Trull Meadow LGS. These are points that could have been made at the appropriate times during the preparation of the CS, the SADMP and the TNP. The fact that the appeal site is so designated in the adopted development plan shows that the Council did not accept such views.
16. Drawing all the above points together, I conclude that the appeal proposal would have an adverse impact on the character and appearance of the appeal site and the surrounding area, by introducing an appreciable amount of built-form and associated domestic paraphernalia and vehicles to an otherwise undeveloped, countryside location. As such I conclude that the appeal proposal would fail to conserve and enhance the natural environment, as required by CS Policy CP8, and would also be at odds with point “d” of CS Policy DM1 which has similar aims. It would also be in conflict with CS Policy DM2 which seeks to restrict development in the countryside unless for specific uses, none of which apply here. For reasons already given the proposal is also in conflict with Policy E1 of the TNP.

Other matters

17. I have noted that the appeal proposal is for a self-build house, and understand that the appellants are on the Council’s self-build register. I have further noted the appellants’ contention that the Council is not fulfilling its duties under the Self-build and Custom Housebuilding Act 2015, to have regard to its self-build register in carrying out its planning functions. But whether or not this is the case, this

matter does not go to the heart of the main issue in this case, and therefore does not carry any significant weight in the proposal's favour.

18. Taken on its own, I accept that the appeal proposal represents a high quality of design, and I have noted that many of the interested persons writing in support of the proposal also praise the design quality and consider that it would add some diversity to the village's housing stock; would represent "stand-out modern housing" ; and would be a benefit to the area. However, these points do not constitute good reasons why the development plan policies, referred to above should be over-ruled.
19. Indeed, the Framework's first core planning principle makes it clear that planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. In my view this is the situation in place here. Accordingly, the aforementioned points made by the appellants and interested persons do not add any material weight in the proposal's favour.
20. Finally, I have noted the comments made by many of those who submitted representations opposing this proposal, that if allowed it could create a precedent for other development within the LGS. I have, however, given limited weight to these comments as I have determined this proposal on its own merits.

Overall conclusion

21. Having regard to all the matters discussed above, I have found that the appeal proposal would cause harm to the character and appearance of the surrounding area, and I have not been persuaded that any of the matters put forward by the appellants amount to very special circumstances why the proposed development should be permitted. I therefore conclude that this proposal is not acceptable, and that the appeal should be dismissed.
22. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led me to my conclusion.

David Wildsmith

INSPECTOR