
Appeal Decision

Site visit made on 23 July 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2019

Appeal Ref: APP/H3320/W/19/3224392

Chilcombe House, 30 Trendle Lane, Bicknoller TA4 4EG

- 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 and Mrs Bridgland against the decision of Somerset West and Taunton Council.
 - The application Ref 3/01/18/009, dated 19 July 2018, was refused by notice dated 30 November 2018.
 - The development proposed is for the formation of access and erection of one detached dwellinghouse and double garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 1 April 2019, West Somerset District Council merged with Taunton Deane Borough Council to become a Unitary Authority, Somerset West and Taunton Council. Until such time as they are revoked or replaced, the development plans for the merged local planning authorities remain in place for the area within the unitary authority which they relate to. It is therefore necessary to determine this appeal with reference to the plans produced by the now dissolved district council.
3. The appeal is made in outline with all matters except access reserved for future consideration. I have therefore considered the appeal on this basis and assessed the drawings as merely illustrative insofar as they relate to the reserved matters.
4. The appellants submitted an amended plan with the appeal, showing amongst other aspects a revised location for the vehicular access and visibility splays. In considering whether to accept the amended details, I have had regard to the 'Wheatcroft Principles', including in relation to whether the changes materially alter the nature of an application and whether the amendments indicate that it is in substance different from that for which the application was made. I am also mindful that accepting amendments at appeal stage could potentially deprive parties of the opportunity to comment on the amendments and therefore prejudice their interests.
5. The appellants assert that the changes shown in the amended plan are not materially different to that which was originally applied for, that the repositioning of the access should be allowed as it does not materially alter the nature of the application or cause prejudice to the adjoining property, and that any interested party has had the opportunity to comment on the amendments

because the plan was amended before the appeal was submitted. The appellants also informally consulted the Highway Authority. Be that as it may, this appeal relates to the appeal proposal originally determined by the Council, and I cannot be certain that accepting amendments at appeal stage would not deprive parties of the opportunity to comment on the amendments. Taking the amended plans into account could therefore prejudice other parties' interests. I note that a neighbour has also raised concerns about both the submission of the amended plan and about the substance of the amendments.

6. Responding to the appellants' informal consultation on their intended amendments, the Highway Authority indicated that they would be unlikely to object in principle based on the information received. However, the Highway Authority's response to the appellants clearly stated that their advice was informal, their formal comments would need to go through the official planning process and their advice can either be acceptable to or rejected by the local planning authority. Furthermore, I do not know exactly what details the Highway Authority have seen and although the Council have not objected to the amended plan during the course of the appeal, neither have they indicated their explicit support or agreement of it. The submitted landscape and arboriculture assessments may also not sufficiently reflect the amended development and could therefore need to be revised in order to ensure an accurate assessment of the effects of the amended development.
7. The Planning Inspectorate's Procedural Guide (Planning Appeals – England, 2018) sets out that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. Consequently, and for the above reasons, I have determined the appeal on the basis of the proposal determined by the Council and have not taken into account the amended plan.
8. The National Planning Policy Framework (the Framework) was revised in February 2019. However, as the Framework's policies that are most relevant to this appeal have not materially changed, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issue

9. The main issue is the effect on the character and appearance of the surrounding area and the Quantock Hills Area of Outstanding Natural Beauty.

Reasons

10. The appeal site is located within the western part of the Quantock Area of Outstanding Natural Beauty (AONB). Forming part of a residential garden containing various trees and soft landscaping, the site is located between two detached dwellings and bounded by Trendle Lane and Chilcombe Lane. Both roads are relatively narrow and have large banks and well established hedgerows with some trees. Bounding and screening the site, the hedges are a common, prominent landscape feature of the locality and contribute positively to the character and appearance of the surrounding area and the landscape and scenic beauty of the AONB. Bicknoller is relatively built up with numerous houses and driveways which mostly lead onto Trendle Lane. However, the area surrounding the site is less developed, involves greater spacing between built form and has an increasingly rural character and less developed appearance,

with mature hedgerows predominating. I observed on my site visit that there are also relatively few access ways through hedgerows in the vicinity of the site, particularly in the case of Chilcombe Lane.

11. The appeal proposal would introduce a new detached dwelling and garage in between Chilcombe House and Beacon Hill House. A new pedestrian access onto Trendle Lane and a wider vehicular access with associated visibility splays onto Chilcombe Lane would also be created. This would involve some loss of existing established hedgerows on both Lanes and some trees and soft landscaping within the site. However, a replacement stone wall and landscaping planting involving native species would be provided behind the visibility splays either side of the vehicular access, and landscaping and replacement trees within the site would also be provided.
12. As layout, scale, landscaping and appearance are reserved matters, only limited details are available at this time. However, it is clear that the main body of the site and the dwelling and garage would remain relatively well screened by existing and replacement planting, and the pedestrian access would be relatively narrow. The new dwelling, garage and pedestrian access would therefore not be particularly noticeable except from close by and in glimpsed views. Their effect on the character and appearance of the surrounding area would therefore be limited. Situated between existing built form and within a reasonable sized plot providing some space to adjoining buildings, a new dwelling and garage on the site would also not appear particularly out of place in relation to the surrounding development pattern. Full details as to appearance, layout, scale and landscaping matters would also be covered at reserved matters stage.
13. However, the evidence before me indicates that the change on Chilcombe Lane would be significant, with a relatively long section of mature, prominent hedgerow being removed and the replacement hedge being set-back within the site to provide sufficient visibility for vehicular access. This set-back would create a noticeably wider section of highway along the site frontage on Chilcombe Lane. This would appear significant in the context of the narrow Lane. The set-back replacement hedge would also combine with the visibility splays at Beacon Hill House. This would result in a considerable stretch of uncharacteristically set-back hedgerow and wider Lane, and would create a more open, artificial environment which would appear as an incongruous feature that would harm the character of the surrounding area.
14. The area is relatively quiet and may not include significant numbers of vehicles and people passing by or near the site or using the nearby footpath. Due to the high hedges, numerous trees and soft landscaping, the site is also well screened. Be that as it may, the submitted landscape statement indicates that the site's highway frontages are visible from the surrounding area, and I observed on my site visit that this is particularly so for some distance in both directions on Chilcombe Lane. The mature hedgerow running along the site is a prominent feature which forms part of the surrounding narrow, hedge-lined Lane and its loss and replacement with a set-back hedge would therefore be conspicuous. Although the Council's landscape officer supported a landscaping condition securing the replacement hedge and tree planting amongst other aspects, I find that that and the other suggested conditions would not sufficiently mitigate the harm.

15. It has been put to me that hedgerows bordering the site are not protected and could be removed at any time, and there would be a benefit in that the replacement hedge could be protected by a landscaping condition requiring its retention. Be that as it may, I have little substantive evidence that the existing hedges would be removed irrespective of the development. I also observed on my visit that they provide the site with significant screening and privacy. It seems to me that hedge removal is therefore unlikely given the site's domestic garden use. I therefore do not consider this scenario to be particularly likely and consequently attach limited weight to it and the cited benefit.
16. I recognise that the Quantock Hills AONB Service did not object to the application and did not state that the development would be detrimental. However, their comments raise concerns about the effect of the development on the special qualities of the Quantock Hills, including in relation to the proposed access arrangements. The Quantock Hills AONB Service also refer to the aims and objectives of the AONB Management Plan (2014-2019), which include, amongst other aspects, conserving Quantock hedges and associated banks and supporting the protection of local distinctiveness in AONB settlements and Quantock lanes and roads. For the reasons above, I find that the development would not be consistent with these aims and objectives. The submitted landscape assessment also sets out that the management plan details, amongst other aspects, that the 'Quantock Hills AONB is visually very vulnerable...and the more intimate landscape of the lower slopes...the irregular hedged fields and small stone-built hamlets and villages, can be stripped of its special character by inappropriate development and the cumulative effect of insensitive changes over time'.
17. AONBs have the highest status of protection in relation to landscape and scenic beauty and great weight is to be afforded to conserving these aspects. I attach significant weight to this. I am also mindful of the duty under section 85 of the Countryside and Rights of Way Act 2000 for regard to be had to the purpose of conserving and enhancing the natural beauty of the AONB.
18. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area and the Quantock Hills AONB. I therefore find that it conflicts with Policy NH14 of the West Somerset Local Plan to 2032 (2016) (WSLP) and Policy TW/2 of the West Somerset District Local Plan (2006) (WSDLP). Amongst other aspects, these require proposals to conserve or enhance the natural beauty of the AONB and seek the retention and protection of existing hedgerows and hedgerow trees which are of value to the area's landscape. The reference to 'an allowance' in WSDLP Policy TW/2 does not lead me to a different conclusion. The proposal would also be inconsistent with the provisions in the Framework in relation to achieving well-designed places and conserving and enhancing the natural environment.

Other matters

19. It has been put to me that the recent planning permission for Beacon Hill House is a material consideration and that the professional opinion of expert officers for that scheme is of considerable evidential weight. Although I note the AONB Service's comments for that scheme provided in the appellants' appeal statement, I do not have the full details of how that scheme came about. I am therefore unable to draw a direct comparison between it and this

appeal proposal. Consequently, I give it limited weight and it is in any event necessary to determine this appeal on its merits.

20. Access is not a reserved matter and I note that visibility splays would be provided and that the highway authority has not objected. However, the evidence before me indicates that the visibility splay to the east, as shown on plan 2188A-PL-03 Rev A, cannot necessarily be maintained given its overlap with a section of hedge on the adjoining property. This therefore indicates that the development may not provide sufficient visibility for vehicles leaving the site. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.
21. The appellants assert that the development would comply with various development plan policies including, amongst others, WSLP Policy SC1. Although the Council alleges conflict with this policy in its appeal statement, it does not substantiate the alleged conflict and that policy is not listed in the reason for refusal. From the evidence before me, I am satisfied that the proposal is not contrary to WSLP Policy SC1. The development may also accord with other development plan policies, would contribute to meeting housing needs, and the Council raised no concerns in relation to impacts on wildlife and biodiversity. Be that as it may, these matters do not indicate that the development is acceptable, provide justification for development that conflicts with the development plan or outweigh the harm I have identified and the great weight given to conserving and enhancing landscape and scenic beauty of the AONB. Given the development's harm, the proposal does also not adequately address the environmental aspect of sustainable development as set out in paragraph 8 of the Framework. It does not therefore constitute sustainable development.

Conclusion

22. For the above reasons, the appeal is dismissed.

Tobias Gethin

INSPECTOR