The Planning Inspectorate

Appeal Decision

Site visit made on 16 July 2019

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2019

Appeal Ref: APP/D0121/W/19/3227975
Land south of Camelot Cottage, Duck Street, Churchill

- 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 David Sacof of Cheracord against the decision of North Somerset Council.
- The application Ref 18/P/4940/FUL, dated 22 November 2018, was refused by notice dated 21 February 2019.
- The development proposed is a single dwelling with a detached garage and associated works.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr David Sacof of Cheracord against North Somerset Council. This application is the subject of a separate decision.

Procedural Matters

3. The appeal was accompanied by two planning application forms. On the first the declaration is signed and dated, and on the second the declaration is signed but not dated. There are also a number of discrepancies between the two planning application forms. Accordingly, I have only had regard to the dated planning application form and the details provided on that form.

4. Notwithstanding the above, a site address has not been provided on the dated planning application form. Only an easting (x) and a northing (y) have been provided. I have, therefore, relied on the council's decision notice for the site address.

5. As a final procedural matter, on the dated planning application forms Mr David Sacof of Cheracord has identified himself as the applicant and the agent. He has signed the ownership certificates section of the form certifying that on the day 21 days before the date of the application nobody except him was the owner of any part of the land to which the application relates. Despite this, the appeal was submitted with a document indicating that three other individuals are the owners of the land. Further clarification was sought from the appellant on this matter and evidence has been provided to confirm that the requisite notices had been given to the three landowners.

Main Issues

6. The main issues in this appeal are as follows:

   (i) whether the location of the proposed development in relation to everyday services and facilities would be acceptable, having regard to local and national planning policies on the location of housing; and

   (ii) the effect of the proposed development on the character and appearance of the site and the area.

Reasons

Location of the proposed development

7. The appeal site is an undeveloped parcel of land within the hamlet of Churchill Green. The hamlet itself is a loose collection of large dwellings and agricultural buildings set amongst rural field parcels. The site is outside of any settlement boundaries that have been identified in the North Somerset Council Core Strategy January 2017 (NSCCS) and is, therefore, in planning terms within the open countryside.

8. With regard to access to everyday services and facilities, I did not observe any within the immediate vicinity of the appeal site on my site visit and none have been drawn to my attention, except for those in the settlements of Churchill and Sandford. Occupiers of the site would, therefore, be reliant on the services and facilities in these other settlements.

9. The settlement of Churchill is to the south east of the appeal site and has a post office, local store, church, school and public house, amongst other services and facilities. Whilst I note the appellant's comments with regard to the relationship between Churchill and Churchill Green, there is a degree of physical separation between the settlement of Churchill and the hamlet referred to as Churchill Green. The appeal site is around 670 metres along the highway (which is also referred to as Churchill Green) from the closest part of the settlement of Churchill that is within the defined settlement boundary, which I refer to below. Whilst I observed a section of this highway that accommodates a footway (the section in front of Churchill Academy and Sixth Form), there was a considerable section of the highway between the school and the appeal site that was particularly narrow, unlit and had no obvious footway. Accordingly, pedestrians and cyclists are unlikely to feel safe when travelling along this highway.

10. Reference has been made to the settlement of Sandford and it is suggested that its Primary school can be accessed from the appeal site via a public right of way. However, access to this public right of way is almost 200 metres to the west of the appeal site, along the narrow rural highway referred to above. Again, pedestrians and cyclists are unlikely to feel safe travelling along the highway to gain access to the right of way. Furthermore, the footpath itself traverses across the field parcels between Churchill Green and Sandford, making it an unlikely route for occupiers of the proposed dwelling to use when travelling to Sandford on a regular basis.

11. In addition, I have not been advised of any bus services that operate through Churchill Green, providing public transport into the settlements of Churchill and Sandford.

12. Having regard to the above, it is unlikely that occupiers of the proposed dwelling would choose to walk, cycle or use public transport to access the facilities and services in nearby settlements, particularly if occupiers are frail; if trips are with children; or the trips are during the winter months. Accordingly, the site is in a location where occupiers would be reliant on the private car to gain access to everyday services and facilities.

13. Turning to the relevant local plan policies that direct the location of new housing development, policy CS14 (Distribution of new housing) of the NSCCS confirms the intention for the distribution of new housing within the council area. In short, it directs as follows:

    - new housing development to the main towns;
    - some small scale growth within larger villages, described as 'Service Villages'; and
    - development of an appropriate scale and character within 'Infill Villages'.

14. The NSCCS has defined settlement boundaries around each of the above types of settlements.

15. Policy CS14 confirms that, outside of settlement boundaries, development will only be acceptable where a site is allocated in a Local Plan or where it comprises sustainable development which accords with the criteria set out in the relevant settlement policies.

16. Policy CS33 (Infill villages, smaller settlements and countryside) of the NSCCS confirms that development outside of the defined settlement boundaries will be strictly controlled in order to 'protect the character of the rural area and prevent unsustainable development'. The supporting text goes on to explain that such an approach will avoid perpetuating unsustainable patterns of development, thus retaining the character of villages and the openness of the countryside (paragraph 4.92 of the NSCCS). The policy identifies certain types of housing development that may be appropriate outside of the defined settlement boundaries. These include replacement dwellings, residential subdivision, residential conversions, dwellings for essential rural workers, and affordable housing.

17. The National Planning Policy Framework (the Framework) supports the approach to the location of new development set out in the NSCCS and encourages development that relies on sustainable transport modes, as defined in the Framework.

18. The appeal site is not within a service or infill village as defined in policy CS14. Furthermore, the proposed development is not of the type identified within policy CS33 as being appropriate outside of the defined settlement boundaries. Whilst I note the appellant's suggestion that what is proposed is infill development, such development is not condoned in policy CS33 outside the defined settlement boundaries.

19. I also note the appellant's suggestion that the proposed development ought to be considered in the context of Policy CS32 (Service Villages) of the NSCCS. However, this policy relates to development within or adjoining the defined settlement boundaries of the listed service villages, of which Churchill is one. The appeal site is neither within or adjoining the settlement boundary of an

identified service village. As is noted above, there is a degree of physical separation (some 670 metres) between the settlement boundary of Churchill and the appeal site. As the development is not in a location that is permitted by the policy in the first instance, it is not appropriate to consider the proposed development in the context of the policy.

20. In summary on this matter, the proposed development would cause significant harm as it is not in an acceptable location in relation to access to everyday services and facilities. Its occupiers would be reliant on less sustainable modes of transport to access those services and facilities. Accordingly, the development would not accord with the NSCCS policies CS14 and CS33, which seek to avoid perpetuating unsustainable patterns of development and, instead, steer development to those locations where there are most opportunities for employment, services and transport accessibility. The development would also conflict with the Framework which contains similar guidance.

Character and Appearance

21. The appeal site is an undeveloped field parcel with a mature hedge and tree lined boundary. The site occupies a corner plot on Churchill Green and Duck Street and adjoins two large residential properties set within large plots. These two adjoining properties are typical of the existing built development within the vicinity of the appeal site. As mentioned earlier, the appeal site is within a hamlet that comprises a loose collection of agricultural buildings and large dwellings set amongst rural field parcels. The collection of built development in the area is sporadic and, as such, the general area is open and rural in its character.

22. The appeal site is within an area identified as J2: River Yeo Rolling Valleys Farmland area of the North Somerset Landscape Character Assessment Supplementary Planning Guidance September 2018 (the SPG). The context of the appeal site is typical of some of the key characteristics of the J2 area, which include a rural pastoral landscape, scattered farmsteads and villages, full hedgerows and frequent hedgerow trees and winding rural lanes. Part of the strategy for the J2 area is to conserve the peaceful, rural nature of the landscape.

23. The development proposed is a large detached two storey dwelling that would sit centrally within the plot. Access to the site would be in the same location as the existing, off Churchill Green. The parking area to serve the dwelling would occupy a large area between the highway and the dwelling. A detached double garage is also proposed close to the front boundary.

24. Whilst I note the suggestion that the appeal site is untidy and overgrown, it currently contributes towards the open rural character of the area, being undeveloped and occupied by mature vegetation. The proposed development would significantly change the appearance of the site by the introduction of residential development and landscaped curtilage. It would introduce further sporadic development to the area and erode the existing open character. Filling the existing field parcel between two existing residential plots would further urbanise this rural location.

25. I acknowledge that much of the existing boundary treatment will be retained. Nevertheless, the large detached dwelling, parking area and double garage

would still be visible, particularly when viewed from the highway through the widened access to the site.

26. For the above reasons, the proposed dwelling, detached garage and associated works would result in significant harm to the appearance of the site and both the character and appearance of the area, contrary to policies CS5 (Landscape and the historic environment) and CS12 (Achieving high quality design and place-making) of the NSCCS as well as policies DM10 (Landscape) and MD32 High quality design and place-making) of the North Somerset Council Development Management Policies – Sites and Policies Plan Part 1 Adopted July 2016. These policies seek to protect the character, distinctiveness and quality of the North Somerset landscape and townscape, and ensure development does not have an unacceptable adverse impact on the designated landscape character of the district, as set out in the SPG.

Other Matters

27. The Council have confirmed that it is unable to demonstrate that it currently has a five year housing land supply, as required by paragraph 73 of the Framework. Accordingly, footnote seven of the Framework suggests that the policies most relevant to main issue (i) are out-of-date. In these circumstances paragraph 11 d) recommends that planning permission ought to be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

28. I have concluded above that the development would cause significant harm due to its impact on the character and appearance of the area and its location in terms of access to everyday services and facilities by sustainable transport modes. This harm conflicts with the Framework as a whole.

29. I have had regard to the weight to be given in favour of the development in terms of the provision of a single dwelling and the limited economic benefit that might arise during its construction. These benefits would, however, be significantly and demonstrably outweighed when balanced against the adverse impacts of the development.

30. My attention has been drawn to several appeal decisions and planning application decisions by both parties in support of their respective cases. In particular, reference has been made to the decision of the council to grant outline planning permission (reference 17/P/1232/O) for the erection of a dwelling on land at Newleaze Nurseries, Churchill Green, which is close to the appeal site. I have not been provided with the full details that would have been available to the previous decision makers in each of the cases referred to. As such, I am unable to make an informed comparison between the proposed development in those cases and that subject of this appeal. Nevertheless, in the case that is before me I have identified harm in respect of the main issues, having considered the particular circumstances of the case.

31. I note the support for the development from the Churchill Parish Council. Again, this has not changed the conclusions reached on the main issues.

32. I have had regard to other matters raised including, but not limited to, the privacy of adjoining occupiers, disruption from building work, the need or demand for the development, highway safety and vehicle movement in the

locality. As I am dismissing the appeal on the main issues for the reasons given above, I have not addressed these matters further.

Conclusion

33. For the above reasons I conclude that the appeal should be dismissed.

J Moss

INSPECTOR