



Appeal Decision

Site visit made on 15 October 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2019

Appeal Ref: APP/V3310/W/19/3230334

Hayesbrook, Millmoot Lane, Cossington, Bridgwater TA7 8LW

- 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 P Heyward against the decision of Sedgemoor District Council.
 - The application Ref: 22/18/00011 DT, dated 25 October 2018, was refused by notice dated 31 January 2019.
 - The development proposed is the erection of dwelling and parking on site of existing outbuilding and garage to be demolished.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's reason for refusal refers to policies from the Core Strategy (CS). Since the Council's decision, these policies have been superseded by those in the Sedgemoor Local Plan 2011-2032 (SLP) which was formally adopted in February 2019. In relation to the CS policies cited within the reason for refusal, the Council has drawn my attention to SLP Policies D2 – Promoting High Quality and Inclusive Design and D25 – Protecting Residential Amenity. The appellant has had the opportunity to comment on the implications of the change in status of the SLP since the Council's decision.

Main Issue

3. The main issue is whether or not the proposed development would provide adequate living conditions for future occupants with regard to outdoor space.

Reasons

4. The site comprises garden, an outbuilding and a garage associated with the dwelling Hayesbrook, in the village of Cossington, within the village settlement boundary. The proposal seeks to remove the outbuilding and garage and erect a detached three bedroom, two-storey house. It would have a traditional appearance and a dual aspect, addressing Millmoot Lane and Bell Lane.
5. The design of the building would be compatible with its environment and use high quality materials, based on guidance within the Cossington Village Design Statement Supplementary Planning Document (adopted 2012). However, achieving well-designed development extends beyond aesthetics. Paragraph 127 of the National Planning Policy Framework (the Framework), amongst other things, requires development to function well, using the arrangement of space to create welcoming places to live, with a high standard of amenity for future users.

6. I agree that settlements should contain an inclusive range of property types. It is also identified that not all people may wish to maintain a garden. However, given that the proposal would contain three bedrooms over two-storeys, future occupants would logically include families, including those with small children. I find it likely, therefore, that occupants of the proposed house would have need for adequate outdoor space. Whilst I note the evidence presented by the main parties regarding the density of the proposal in relation to other sites, to my mind the adequacy of the space is better considered on a more practical basis.
7. The principal outdoor space would be a small area split into a patio and a raised terrace. It would be north facing and surrounded, on three sides, by a retaining wall, a fence, and the dwelling itself. As such, it would be an enclosed environment with restricted access to sunlight and limited functional use. Although the area would be open to its west boundary, this would leave it exposed to the public highway, without any real sense of privacy. Given these circumstances, I find that it would be a constrained environment of insufficient value to future occupants. The other outside spaces to the south and west of the dwelling would be very small and immediately adjacent to the highway. They would not provide a suitable opportunity for outdoor use.
8. I therefore conclude that the proposed development would not provide adequate living conditions for future occupants with regard to outdoor space. The proposal would conflict with Policies D2 and D25 of the SLP and the Framework insofar as they require development to provide a high standard of amenity for future users.

Other Matters

9. The existing outbuilding has a traditional and rustic appearance, formed of rubble and tile, indicative of the village's rural setting. I do not therefore share the view that it detracts from the street scene or that the house would provide enhancement in comparison. Given that the layout proposes vehicular parking open to the public highway, it seems unlikely to me that any vulnerability to crime would be reduced. The acceptability of the size of the internal layout would not justify shortcomings in the quality of the outside space.
10. These matters, as with the absence of harm in relation to neighbouring residents, highway safety, parking, heritage assets, ecology and pollution, weigh neutrally in my assessment. Given that the proposal would fail to provide adequate living conditions for its occupants, it would not represent the most efficient use of the land.
11. The appellant has drawn my attention to a 3-bedroom dwelling granted planning permission at Wiveliscombe¹. However, no further details are provided, and I cannot therefore draw any meaningful parallels between the two schemes. Health and safety has also been raised, but there is no evidence before me that the outbuilding constitutes a risk in this regard.

Planning Balance and Conclusion

12. The scheme would add to the housing mix of the area through the provision of a dwelling which would be built to modern standards and located in a village network with adequate access to facilities. Increased use of these facilities would add to their vitality. These are social and economic benefits which, due

¹ Under Ref: APP/D3315/W/19/3223963)

to the scale of the scheme, would be modest. They would not justify the provision of a dwelling which would fail to provide adequate living conditions for future occupants.

13. I therefore find that the proposal would conflict with the development plan when read as a whole. There are no other considerations, including the Framework, that outweigh this conflict.
14. Taking all matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR