



Appeal Decision

Site visit made on 6 November 2019

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 December 2019

Appeal Ref: APP/F0114/W/19/3232605

Priory Nurseries, Radstock Road, Midsomer Norton BA3 2AW

- 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 R. Thorner on behalf of Flower and Hayes Developments against the decision of Bath & North East Somerset Council.
 - The application Ref 19/00610/FUL, dated 8 February 2019, was refused by notice dated 15 April 2019.
 - The development is proposed erection of 4no. single storey dwellings, associated car parking and garaging.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Bath and North East Somerset Council against Mr R.Thorner on behalf of Flower and Hayes Developments. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - i) whether the principle of housing on the appeal site is acceptable having regard to local and national policy; and
 - ii) the effect of the proposal on the character and appearance of the area.

Reasons

Principle of development

4. Policy DW1 of the Bath and North East Somerset Core Strategy (2014) (CS) establishes the district-wide spatial strategy. The overarching strategy is to promote sustainable development by, amongst other things, focussing housing in Bath, Keynsham and the Somer Valley. In relation to housing, Policy SV1 states that the strategy for the Somer Valley is to enable new homes to be built by amending the housing development boundary as necessary and to reflect existing commitments.
5. Based on the evidence before me, the settlement boundary of Midsomer Norton forms the north, east and west boundaries of the appeal site. The appeal site therefore appears to represent an indentation to the settlement boundary.

However, it is not disputed that the site is located outside of the housing development boundary for Midsomer Norton. Moreover, due to this location, the proposal would result in a direct conflict with the spatial strategy established by the CS. This is a matter that weighs heavily against the appeal.

6. The National Planning Policy Framework (the Framework) seeks to significantly boost the supply of homes and identifies that small and medium sites can make an important contribution to meeting the housing requirement of an area. The Framework also promotes the effective use of land. In this respect, if housing were to be provided at the appeal site, I am satisfied that the location would be comparable to many other houses within the boundary in terms of access to services. As a consequence, the development would not be isolated.
7. However, the Framework is also clear in its requirements in relation to development being plan-led, and on this point, I have not been made aware of any housing supply concerns within the district. Consequently, I have no reason to consider that the relevant policies within the CS which establish the spatial strategy are out-of-date. Accordingly, I attribute full weight to them in my assessment of the appeal.
8. The proposal would result in housing located outside of the development boundary which would be in direct conflict with the CS. I therefore conclude that the principle of housing on the appeal site is unacceptable. The proposal therefore fails to accord with Policies DW1 and SV1 of the CS which establish the spatial strategy for development within the Somer Valley.

Character and appearance

9. The appeal site is a parcel of land located to the rear of an established row of housing. It is accessed via an existing access road, located between two bungalows. The site is currently occupied by a detached dwelling, however, other than the existing dwelling, the majority of the site is open. The land towards the rear of the site is occupied by many mature trees and when combined with the openness of the site, this provides the area with a verdant, semi-rural character. Moreover, when viewed from the street, and despite the falling topography, the absence of development allows for views through to the river valley beyond. Consequently, in its existing form, the appeal site makes a positive contribution to the character and appearance of the area.
10. The proposal would introduce four new dwellings onto the site located behind the row of detached bungalows and in this respect, it would create a secondary row of housing. However, there are a number of examples of tandem development within the immediate surroundings. Indeed, the terraced properties within Lilac Terrace align approximately with the northern boundary of the appeal site. In addition, there are other more incidental examples of development located beyond the principal frontage of houses which face on to Radstock Road.
11. Notwithstanding this, the proposed dwellings would be sited beyond the houses within Lilac Terrace. They would therefore be located adjacent to the long gardens of these properties, rather than the houses themselves. Accordingly, the proposed development would be sited beyond the adjacent built form. Due to this separation and the step in the alignment of the properties, the proposed houses would not represent a continuation of the established secondary row of housing. Instead, they would breach the established pattern of development in

the area, encroaching into an otherwise open and undeveloped area of land which forms part of the river valley beyond.

12. As a consequence, although land levels would limit views of the properties from the public realm, the proposal would compromise the open and semi-rural character of the appeal site. This would have a demonstrably harmful effect on the character and appearance of the surrounding area, and I note that a previous Inspector concluded similarly in relation to a recent appeal on this site.
13. Therefore, for the reasons identified above, I conclude that the proposal would harm the character and appearance of the area. Accordingly, it would fail to comply with Policy CP6 of the CS and Policies D1, D2, D4 and D7 of the Bath and North East Somerset Placemaking Plan (2017). Taken together, these seek high quality and inclusive design which does not harm local character and distinctiveness, and which is well related and well connected to the character of the area.

Other Matters

14. The proposal would bring with it social and economic benefits in relation to the use of local facilities thereby supporting the broader rural community. The bungalows would also provide beneficial accommodation for an ageing population. Additionally, the construction of the houses would generate construction jobs and make a small contribution to local housing supply. However, due to the small scale of the proposal, these benefits do not weigh heavily in my assessment of the appeal. Furthermore, even if the site were to constitute previously developed land, this would not alter or outweigh my conclusions identified above in relation to the settlement boundary or the effect of the proposal on the character and appearance of the area.
15. My attention has been drawn to other development outside of the settlement boundary. Although I have not been provided with the full details of the specific example referred to, from the evidence that I do have before me, that proposal was of a significantly different scale to this development. It was also a scenario whereby the Council concluded that the benefits of the scheme outweighed the harm. In this instance, as identified above, the benefits of the proposal would be limited in nature and therefore do not outweigh the concerns that I have identified. Accordingly, I am satisfied that the development referred to does not alter or outweigh my findings set out above.

Conclusion

16. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. For the reasons identified above, the proposal would result in a direct conflict with the development plan. It would also harm the character and appearance of the area. Whilst the proposal would bring with it modest benefits, these do not weigh sufficiently to indicate a decision contrary to the development plan. Accordingly, the appeal should be dismissed.

Martin Chandler

INSPECTOR