
Appeal Decision

Site visit made on 10 December 2019

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2019

Appeal Ref: APP/R3325/W/19/3237424

**Land south of Shatterwell Villas, Shadwell Lane, Wincanton, Somerset
(GR: 371088/128826)**

- 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 David Chiplen against the decision of South Somerset District Council.
 - The application Ref 18/03523/OUT, dated 28 September 2018, was refused by notice dated 14 June 2019.
 - The development proposed is for residential development of up to 4 dwellings.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Outline planning permission is sought, and the appellant has clarified that all matters are reserved. I have proceeded on that basis.
3. Within their evidence the appellant has submitted a Preliminary Ecological Appraisal Report by NashEcology, dated August 2019 (ecology report). The parties have had opportunity to comment on the evidence and I have therefore taken it into account in my determination of the appeal.

Main issues

4. The main issues are i) whether the proposal would preserve or enhance the character or appearance of the Wincanton Conservation Area (WCA); and ii) the effect of the proposal on ecology.

Reasons

Character and appearance of the WCA

5. The appeal site is a parcel of land sloping from Shadwell Lane, a narrow highway that runs along its western boundary, down to the River Cale on the site's eastern side. To the north it is bound by 1 Shatterwell Villas, one of four semi-detached houses fronting onto North Street. With the exception of a dilapidated shelter to the north-west corner of the site it is open and verdant.
6. The appeal site is located within the WCA. Along with the open space on the opposite side of the river, which has a more formal appearance, the site provides a pleasing undeveloped character along the river corridor. It helps to

- connect the built form with the countryside to the north and provides a sense of relief from the close grain of development around it.
7. The conservation area encompasses the historic core of the town, but at this point includes the river corridor and the countryside immediately to the north and north-west of Wincanton. It is not only the built form that contributes to the significance of the WCA but also the open green spaces, and their connections to the surrounding countryside. The site is designated within the Wincanton Neighbourhood Plan 2018-2028 – dated January 2018 (WNP) as part of an 'other green and open space'. The WNP states that development proposals which seek to retain such spaces will be supported.
 8. Within the WCA, from the opposite side of the river the site is clearly visible as pedestrians travel through the formal open space. Furthermore, it can be seen when travelling down North Street from the town centre. I consider it to be a prominent site from a number of vantage points. It is seen as part of a verdant landscape in the town that connects to the countryside, including the river corridor to the north and the sylvan setting to the north-west. This is an important and finite characteristic within the WCA which contributes to local distinctiveness and a sense of place. As such, I consider that its erosion would have a harmful impact on the significance of the WCA and its character and appearance.
 9. Whilst the proposal is in outline form, the appellant has provided illustrative plans and elevations for three and four-bedroom schemes. As this is an outline planning application with all matters reserved, I have considered them as indicative only. They show an intention to provide elevations that reflect the traditional local vernacular, fronting onto the river. However, even if such details were to be realised, the development of up to four homes would substantially erode the open, verdant quality of the appeal site, the wider open space around the River Cale and the links to the countryside beyond. This does not reflect good design, having regard to the importance of open space as well as the quality of buildings. As such, the proposal would erode the open and verdant character and appearance of the site causing harm to the significance of the WCA.
 10. Although the proposal would cause less than substantial harm to the significance of the WCA, given the importance of the open, verdant character of the site, and its prominence, this harm would still be material. I afford this great weight as required by paragraph 193 of the National Planning Policy Framework (the Framework). Based on the evidence provided it would not be outweighed by the public benefits of the scheme, which include the provision of additional housing, making an efficient use of land, and the proximity of the site to services.
 11. Therefore, in conclusion on the first main issue, I find that the proposal, due to the erosion of the open and verdant character and appearance of this prominent site, would fail to preserve or enhance the character or appearance of the WCA. As a result, it conflicts with Policies EQ2, EQ3 and EQ5 of the South Somerset Local Plan 2006-2028 – Adopted March 2015 (SSLP), Policies 2, 3, 4 and 13 of the WNP, and sections 12 and 16 of the Framework. These policies, amongst other aims seek high quality design and the preservation and enhancement of designated heritage assets.

Ecology

12. The Council's second reason for refusal was based on no preliminary ecological appraisal being submitted as part of the planning application. As set out above, the appellant has provided the information as part of their appeal evidence. The appellant's ecology report sets out that no further survey work is required and makes a number of recommendations to protect and enhance ecological interests at the site. The Council has not commented on the submissions.
13. Based on the evidence provided, I am satisfied that adequate information is available to assess the potential impact on ecology. I consider that no ecological harm is likely to occur subject to the recommended mitigation and enhancement set out within the ecology report. If I were minded to allow the appeal, this could be secured by conditions.
14. Therefore, based on the evidence provided, the proposal would not cause harm to ecology and would not conflict with Policy EQ4 of the SSLP or section 15 of the Framework. These, amongst other aims, seek to protect and enhance biodiversity.

Other matters

15. The Council have stated that they are unable to demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 73 of the Framework. As such the relevant policies for the supply of housing should not be considered up-to-date and paragraph 11 should therefore be applied. However, I have applied policies of the Framework that protect areas or assets of particular importance and found that they provide a clear reason for refusing the development proposed.
16. The appellant has raised concerns over the length of time the Council took to determine the application and the lack of what they considered to be a positive and proactive approach. However, whilst a clear source of frustration to the appellant, I am required to consider the proposal on its planning merits. Furthermore, the lack of objections from statutory consultees such as the Environment Agency is only a neutral factor in the overall planning balance. The appellant has also highlighted the positive benefits that the development could have on maintaining the free flow of the river, integrity of the retaining walls to the highway and protection of services running through the site. However, even if these were required, I have no evidence to indicate that the development is necessary to achieve such outcomes, or whether such necessary work would have the same or greater impact to the WCA as the proposal. Therefore, I afford this limited weight.

Conclusion

17. Whilst I have concluded that the proposal would not harm any ecology interests, this does not overcome the harm that I have found in relation to the WCA. Furthermore, there are no other material considerations, individually or cumulatively, that outweigh the great weight I attach to preserving the significance of this designated heritage asset. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

James Taylor

INSPECTOR