
Appeal Decision

Site visit made on 10 March 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2020

Appeal Ref: APP/W3330/W/19/3242421

Orchard Hill, Kingston Road, Kingston St Mary, Taunton TA2 8HW

- 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 Brading against the decision of Somerset West and Taunton Council.
 - The application Ref 20/19/0012, dated 6 June 2019, was refused by notice dated 11 October 2019.
 - The development proposed is the erection of a dwelling and associated works.
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Decision

1. The appeal is dismissed.

Procedural matter

2. I have amended the description of development to accurately reflect that the proposal is for a single dwelling.

Main issues

3. The main issues with this proposal are:
 - i) The effect on the character and appearance of the area including the Quantock Hills Area of Outstanding Natural Beauty (AONB);
 - ii) The accessibility to services with particular regard to the use of the private motor vehicle; and
 - iii) The principle of development in locational terms having regard to the relevant policies of the development plan and the National Planning Policy Framework (the Framework).

Reasons

Character and appearance of the area including the AONB

4. Orchard Hill is a large detached dwelling located on the peripheries of Kingston St Mary, a village partially within the AONB. It is sited outside of the village settlement limits, but within the AONB. The dwelling is set within a spacious and open context, with a modest detached double garage. Furthermore, the property benefits from extant planning approval for a linked extension. The appellant sets this out as a material planning consideration and states that, if

- built, the extended dwelling could be subdivided to form a new dwelling akin to that proposed.
5. The proposed dwelling would, like the extant planning approval, have habitable space at the ground floor and first floor accommodation within the roof. However, there are notable differences between the two developments. The proposed dwelling would be physically and visibly detached from Orchard Hill. Furthermore, its elevations would appear as a separate self-contained dwelling, rather than an ancillary garden room to Orchard Hill. It would have a greater mass and scale, most notably with its gabled roof form and four additional dormer windows. The proposal would appear clearly as a separate dwelling given its siting, scale, mass and form. Furthermore, it would also result in associated domestic paraphernalia being a separate dwelling.
 6. For matters to form a material fall-back position, it is necessary to consider how likely the proposition would be. No evidence has been provided to indicate that the appellant is likely to build out the extant planning approval. Even if it were, the material differences between the proposal and the extant planning permission are significant. Furthermore, the premise that this extension could be later sub-divided to create a dwelling appears to be far from a certain proposition despite the national policy set out at paragraph 79 d) of the Framework. As such, neither the extant planning approval, nor the subsequent potential subdivision of the extended dwelling, represent a precedent for this development, or a likely comparable fall-back position. Therefore, these considerations have limited weight.
 7. As identified within the appellant's Landscape Constraints Plan, the appeal site is well-screened by boundary planting on the adjoining land that is under the appellant's control. This provides some mitigation of the visual impact of the proposal from public views on Kingston Road and the nearby public right of way. However, views through the wide vehicular access, and up the existing and proposed driveways would be made clearer from the works. Furthermore, whilst landscaping can be conditioned, this cannot control such landscape provision in perpetuity, or even the lifetime of the development. Views are liable to change, and landscaping should not be used to justify otherwise unacceptable development.
 8. The proposed dwelling would extend the built form into the open space on the edge of the village and intensify the residential activity at the site. The scale and bulk of the built form would be significant in both this open context and in the context of the existing dwelling. The additional dwelling would be in close proximity to an existing property that is currently set within its own generous grounds. This would be at odds with the spatial characteristics of the area and the rural character of the landscape. As such, the proposal would not conserve or enhance the landscape and scenic beauty of the AONB. The Framework sets out at paragraph 172 that the AONB should be afforded the highest protection and that the scale and extent of development within such designated areas should be limited. To this end, consideration should be had to factors such as the need for the development. There is no evidence that any overriding need for the development is relevant here.
 9. Therefore, in conclusion on this main issue the proposal would harm the character and appearance of the area including the AONB. As such, the proposal would be contrary to Policies DM1 and CP8 of the Taunton Deane

Borough Council Adopted Core Strategy 2011-2028 (CS) and paragraph 172 of the Framework. These policies seek, amongst other aims to ensure that development outside of settlement boundaries is of appropriate scale, siting and design; and that it protects, conserves and enhances the landscape.

Accessibility to services

10. The appeal site is located within a reasonable walking distance of the services and facilities of the village. However, the initial section of such a journey would be on rural lanes without the benefit of pavements or street lighting. This would be a disincentive for some users, such as those with young children attending the local village school, especially given that the road is well used by vehicular traffic. The appellant has provided a previous Inspector's decision stating that a lack of street lighting would not prevent walking during the day. However, some trips to local services will occur in the dark, especially during the shorter winter months.
11. Furthermore, the services and facilities within the village are limited. Regular travel beyond walking distances would be required to access wider services and facilities, including secondary education and employment. No evidence has been provided that the public transport facilities of the village are sufficient in frequency and destinations in order to provide a realistic alternative to private vehicle use for trips beyond the village. As such, the proposal is likely to be reliant on the private vehicle for a large portion of future occupiers' trips. The environmental impacts of this, with vehicle emissions contributing to climate change impacts, weighs against the scheme. Although, such effects would be modest when associated with one dwelling.
12. Furthermore, similar impacts could occur from housing development within the settlement. However, such provision has been considered as part of a plan-led approach balancing the multi-faceted dimensions of sustainable development. Additionally, ad-hoc limited scale planning, reduces any opportunities to make the location more sustainable, for example, through enhancing pavements and street lighting. Moreover, a need for the proposal has not been evidenced.
13. Therefore, in conclusion on this main issue the proposal would not have adequate accessibility to services without reliance on the private motor vehicle. As such, the proposal would be contrary to Policy CP1 of the CS. This policy seeks, amongst other aims to ensure that development demonstrably addresses issues of climate change, reducing the need to travel through locational decisions.

The principle of development

14. The proposed dwelling would be located outside of the village's defined settlement limits. Policy SP1 of the CS sets out that whilst no further housing allocations will be made for Kingston St Mary in the plan period, some scope for small scale proposals within the settlement limits remains. However, outside of the settlement, proposals should be treated as being within the open countryside. Furthermore, policy SD1 of the CS sets out a presumption in favour of sustainable development.
15. Policy DM2 sets out a permissive approach to a range of developments in the open countryside, but these are not applicable in this case. Whilst it does not specifically discount the proposal, nor does the proposed dwelling comply with

this policy. Moreover, Policy SB1 of the Taunton Deane Adopted Site Allocations and Development Management Plan, December 2016 (SADMP) seeks to maintain the quality of the rural environment, and ensure a sustainable approach to development, by ensuring proposals outside of the settlement boundaries comply with Policies CP1, CP8 and DM2 of the CS. There is no evidence to indicated that the two exceptions within Policy SB1 are applicable here. As set out above, the proposal would be in conflict with Policies CP1 and CP8.

16. In addition, the Framework sets out at paragraph 77 that in rural areas, decisions should respond to local circumstances and support housing developments that meet local needs. There is no evidence to suggest that the proposal meets an identified need. The proposed market dwelling would have some benefit in supporting the vitality of rural communities. But given that the proposal relates to a single dwelling this can be afforded very limited weight.
17. Therefore, in conclusion on the final main issue the principle of the development would not be acceptable in locational terms having regard to the relevant policies of the development plan and the Framework. As such, the proposal would be contrary to Policies SP1, CP1, and SD1 of the CS and Policy SB1 of the SADMP.

Other matters

18. The appellant has highlighted a number of appeal examples in support of their various propositions aimed at justifying the proposal. Furthermore, they have referred to a development of four houses granted by the Council¹. However, from the evidence provided the circumstances in these cases do not appear to be identical to the proposal here. As such, the examples are of limited weight.
19. The appellant has suggested that permitted development rights could be removed in order to assist mitigating the potential impact of the proposal. However, the Planning Practice Guidance is clear that the removal of permitted development rights by condition is unlikely to meet the tests of reasonableness and necessity. In any event, such measures would provide negligible mitigation to the harm identified above.
20. Finally, the appellant states that the access works could be carried out under permitted development, and that the works would provide an enhancement to highway safety for the benefit of all users. However, the works to the entrance do not form a part of the issues raised by the Council in their Decision Notice. Furthermore, there is little evidence to support the alleged benefits, or that there is an existing highway safety issue. Even if an improvement to highway safety were realised this is likely to be of limited weight in any planning balance.

Conclusion

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

James Taylor

INSPECTOR

¹ LPA ref: 48/18/0055