



Appeal Decision

Site visit made on 27 July 2020

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th August 2020

Appeal Ref: APP/W3330/W/20/3252720

Land to the west of Regent Street, Bradford-on-Tone

- 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 Mitchell of Mitchell Partners against the decision of Somerset West and Taunton Council.
 - The application Ref: 07/19/0003 dated 4 April 2019, was refused by notice dated 29 November 2019.
 - The development proposed is described as 'erection of two dwellings facilitating the delivery of a children's play area for the village'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The original application was made in outline with only access to be determined at this stage. All other matters were reserved for future determination. I have had regard to the existing and proposed site plans and the indicative layout of the proposed development as shown in these drawings but have regarded all elements of these drawings as indicative apart from the details of the access.

Main Issues

3. The main issues are:
 - whether the appeal site is a suitable location for new dwellings having regard to accessibility to services; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Suitable location

4. The Council's strategy for managing the location of development is set out in Policy SP1 of the Taunton Deane Core Strategy 2012 (Core Strategy). This applies a sequential approach to the location of new development which prioritises the most accessible locations. This focuses most new development in larger urban areas and permits limited development within larger rural centres. Smaller villages within rural areas, including Bradford-on-Tone, have defined settlement boundaries and only small scale proposals within the

settlement boundary is considered acceptable. Development outside of defined settlements limits is treated as being within the open countryside.

5. Policy DM2 of the Core Strategy sets out the types of development that are supported within the countryside which does not include market housing development. However, a previous appeal¹ at Bagley Road, Rockwell Green established that this does not mean there is conflict. Other uses should be determined against Policy CP8 of the Core Strategy which deals with all development and other relevant development plan policies. The Council has since accepted this approach in subsequent appeal² and planning decisions³ for housing developments outside settlement limits.
6. Policy A5 of the Taunton Deane Site Allocations and Development Management Plan 2016 (SADMP) relates to accessibility. It states that residential development should be within walking distance of, or should have access by public transport to, a range of services and facilities. It refers to maximum acceptable travel times, which for public transport includes waiting time and walking times at each end of the journey.
7. The proposed dwellings would be located outside of the settlement boundary, albeit not isolated from other dwellings. It would be within walking distance of the main part of the village, where there are a limited number of facilities including a part-time village shop, public house, village hall and church. For other day-to-day services such as education and healthcare, occupants would have to access the nearby settlements of Taunton or Wellington.
8. The appeal site is indicated to be about 900m from a bus stop, Heatherton Park, with regular services to both these nearby larger settlements. The appellant has provided an assessment indicating that journey times would be within the maximum acceptable travel time for public transport. I have been provided with no evidence to disagree with this. However, access to the bus stop would be along a country lane, and whilst there is a pavement for most of its length, I observed that the road is unlit which would make this a less safe or practical option during the evening or at night-time. The distance to the bus stop would also make this a much less attractive choice for people with young children or those with restricted mobility. As such, I am not persuaded that occupiers of the proposed development would not be reliant on a private car.
9. I appreciate that parts of the village are further from the bus stop than the appeal site. In this regard I have been referred to a recently granted planning permission⁴ for a dwelling on Lower Stoford Lane where accessibility issues were not raised. I have not been provided with the details of this case, and whether or not this is within the settlement boundary where small scale housing development is considered acceptable. I am therefore unable to draw a meaningful comparison with the scheme before me. In any case, I must assess the scheme before me on its own individual merits.
10. I accept that the proposed development is of a scale commensurate with the role and function of the village. However, its location outside the settlement boundary in combination with its unsatisfactory access to services other than by a private car make it an unsuitable location for new dwellings.

¹ APP/D3315/W/17/3179264

² APP/D3315/W/19/3220853

³ Council Ref: 28/18/0055 and 05/18/0057

⁴ Council Ref: 07/18/0007

11. I conclude that the appeal site is not a suitable location for new dwellings having regard to accessibility to services. It would therefore conflict with Policies SP1, SD1, DM2, CP6 and CP8 of the Core Strategy and Policies A5 and SB1 of the SADMP. These policies together and amongst other things seek sustainable development that reduces the need to travel, require residential development to be accessible by public transport, protect unallocated land and restrict development outside of defined settlement boundaries and within the open countryside.

Character and appearance

12. Bradford-on-Tone is a small village located on an elevated plateau within a rural landscape, characterised by open agricultural fields. The elevated position of the village makes it widely visible from surrounding fields and within the landscape. Development is predominantly linear with houses positioned along the main roads. The appeal site is a field which slopes away from the western edge of the village. It is accessed via a farm track which runs along the garden boundaries of Haywards Water, 1 Regent Green (No. 1) and 2 Jeanes Cottages on the edge of the village. No 1 and Jeanes Cottages are enclosed by a high hedgerow along this access which forms a natural and defined edge to the village.
13. The indicative drawings show two houses which would be positioned adjacent to the existing track, towards the top of the field and beyond the hedgerow boundary to No. 1 and Jeanes Cottages. Whilst adjacent to Haywards Water, the proposed houses would be some distance from and unrelated to this property which sits at a lower level within a substantial plot enclosed by hedges and trees.
14. The proposed houses would be set away from the main road off a long access road. This would not follow the established linear pattern of development within the village. The proposal would extend rather than 'round-off' the village boundary and would, through the addition of buildings and a domestic garden, urbanise this village edge.
15. The existing buildings including No. 1 and Jeanes Cottages are visible from the west, however with only their side elevations visible and separated by a long stretch of hedgerow facing in this direction they do not dominate. The proposed development being beyond the natural boundary to the village would be more prominent than existing development and highly visible due to the elevated position of the site on the edge of the village. Whilst I acknowledge the proposed development would not be visible from the north or east, this does not overcome the harm arising from its visibility from other angles. Indeed, my own observations of the existing development in the village and its visibility in the wider landscape, only serves to reinforce the need to maintain the village boundaries as they are in order to minimise the harm to the village setting from any further urbanisation along this edge.
16. Whilst details of layout, scale, appearance and landscaping are reserved for future consideration, even if restricted in height and structurally landscaped to soften the appearance on this village, in my view this would not overcome the urbanising effect of the addition of two dwellings on this highly visible side of the village. As such the proposed houses would detract from the existing village setting.

17. This leads me to conclude that the proposed development would be harmful to the character and appearance of the area. It would therefore conflict with Policy DM1, DM2 and CP8 of the Core Strategy. These policies together and amongst other things seek to protect the character and appearance of any affected landscape or settlement from unacceptable harm by development and to be compatible with the rural character of the area and seeks to protect greenfield land outside settlement boundaries in order to conserve the open character of the area.

Other considerations

18. The proposed development includes an offer to transfer land to the Parish Council for the provision of a children's play area for the village. The need for this provision is not disputed. The Parish Council has funding in place for children's play equipment but has no land on which to make the provision. During the course of the appeal, the appellant has provided a section 106 Agreement which provides a mechanism to transfer an area of land to the Council (or a nominee) no less than 1.1 acres of land within a field lying to the south of the village.
19. The precise boundary of the proposed play space is a matter for agreement between the Council and the appellant. The indicative location of the proposed play space would be at the rear of the gardens to properties fronting Regent Street with an agricultural field beyond. A pedestrian access to the play area would run between the drive leading to Jeanes Cottages and Avria, a house fronting Regent Street.
20. The proposed play area, wherever positioned within this field, would be on the edge of the settlement and isolated from surrounding development. As such it would not benefit from any form of natural surveillance. Furthermore, the location, next to an agricultural field, may impact on users of the play area by crop spraying activities. Even if a grass buffer area were to be provided to separate the play area from the agricultural activity as suggested by the appellant, I am not satisfied this would mitigate this potential harm. I also note that the Parish Council has found the site to be inadequate for play space and have confirmed that they have not identified this area as a preferred site.
21. The provision of land to create a children's play area at no cost to the Parish Council would be a community benefit. It would also reduce the need for residents to travel elsewhere to make use of such facilities. However, this does not overcome the inadequacy of the proposed location of this play area.
22. This leads me to conclude that there are no other considerations that outweigh the harm I have identified with regards to the location and the effect on the character and appearance of the surrounding area.

Conclusion

23. For the reasons set out above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR