
Appeal Decision

Site visit made on 17 August 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2020

Appeal Ref: APP/W3330/W/20/3251345

Ivylen, Stapley Road Biscombe, Churchstanton, Taunton TA3 7PZ

- 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 Noel Sharpe against the decision of Somerset West and Taunton Council.
 - The application Ref 10/19/0017, dated 23 June 2019, was refused by notice dated 14 November 2019.
 - The development proposed is described as 'replacement dwelling including farm office, and store rooms'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I have noted that the description of development varies between the appellant's application and appeal forms, with a further variation on the Council's Decision Notice. I have taken the description from the application form but omitted the reference to location as this is not part of the development. Similarly, I have noted minor inconsistencies in the site address within the evidence. For the avoidance of any doubt I have taken the site address from the appellant's application form.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area including the landscape and scenic beauty of the Blackdown Hills Area of Outstanding Natural Beauty; and
 - ii) the principle of development having particular regard to the scale and location of the proposal in light of the relevant policies of the development plan and the National Planning Policy Framework.

Reasons

Character and appearance

4. The appeal site is located on the slopes of a verdant valley within the Blackdown Hills Area of Outstanding Natural Beauty (AONB). The site is occupied by a bungalow and a number of outbuildings that have no

architectural value. The site is within a rural agricultural context including a barn immediately to the east. In support of their proposal, the appellant has provided photos of a number of properties within their Design and Access Statement and at appendix 1 of their Appeal Statement, including a three-storey Georgian property. However, I have limited information to explain how they relate to the appeal site. Moreover, I have observed a number of residential properties on both sides of the valley near the appeal site. These vary in scale, siting and materials, but are generally modest and simple.

5. The proposal seeks to replace the existing range of structures at the site and erect a single replacement building. This would have accommodation over three-storeys and include the farm office and stores within part of the proposed single-storey element at the front. Consequently, although cut into the slope and therefore appearing as a two-storey form from the highway, the mass and bulk of the building would be substantial. Furthermore, the design, including the shallow hipped roof form, fenestration, and ornate porch; along with the substantial single-storey projection to the front adds to the imposing and unbroken scale and mass of the building as seen from the highway. Whilst set further back and at a lower level to the existing, the siting would not mitigate the impact in this rural area where more modest housing prevails.
6. Furthermore, the proposal would be clearly visible from the opposite side of the valley, including the right of way at Craigend House. From here the grandiose character and appearance of the building would be very evident within the landscape due to its three-storey scale, location on the valley hillside, and form, including elements such as the lower ground floor projection and terrace.
7. This is a highly sensitive location and the National Planning Policy Framework (the Framework) is clear that great weight needs to be given to conserving and enhancing the landscape and scenic beauty of the AONB. Furthermore, paragraph 172 states that the scale and extent of development within this area should be limited.
8. The proposal involves the change of use of land, extending the residential use into the paddock to the north. Even if I were to accept that the proposal would result in a net reduction in the residential land use at the site, the linear projection of the proposed residential use into the field to the north poses significant concerns of itself. This would show little regard for the existing landscape features, including field patterns and hedgerows. It would leave small and awkward pockets of agricultural land, unlikely to be suitable for commercial agricultural use and management. I note the appellant's justification for the revised siting includes making better use of the topography and providing more space for vehicular access and turning. However, even if I take the appellant's various justifications cumulatively, I still find that the extension of the residential use to the north weighs against the scheme.
9. Finally, the appellant has indicated that a scheme of landscaping could be used to mitigate any visual impacts. Whilst I place some weight on the potential for planting and consider that this could be secured through conditions, landscaping should not be used to hide development that is otherwise unacceptable. Furthermore, views are liable to change, and landscaping cannot be considered as a permanent feature.
10. Therefore, in conclusion on this main issue, I find that the proposal would harm the character and appearance of the area including the landscape and scenic

beauty of the AONB. As such, the proposal would conflict with Policies CP8 and DM4 of the Taunton Deane Core Strategy 2011-2028, Development Plan Document, September 2012 (CS), Policy D7 of the Taunton Deane Adopted Site Allocations and Development Management Plan, December 2016 (SADMP), Policy PD2 of the Blackdown Hills Area of Outstanding Natural Beauty Management Plan 2019-2024 and Sections 12 and 15 of the Framework. These policies seek amongst other aims to achieve high-quality design that encourages a sense of place through promoting local distinctiveness, reflecting the site and context, and sensitive siting and scale.

Principle of development

11. Policy DM2 of the CS sets out that in locations such as this that replacement dwellings will be supported subject to a number of criteria including, that the proposal should not be substantially larger than the existing dwelling. Additionally, given that the proposal is a mixed-use development, I find that it is reasonable to make some additional allowance for the area allocated for the agricultural use given that this may also be supported by Policy DM2.
12. Furthermore, the appellant has stated that the proposal has been designed specially to support their needs beyond the residential and agricultural uses. This includes working from home in association with a software business. However, the submitted plans do not annotate any area for the business and I have little evidence as to the extent or scale of the activity and associated floor space requirements. As such, I have afforded this little weight.
13. The appellant acknowledges that the proposal would increase the domestic footprint at the site even if the additional agricultural use and lower-ground floor development is excluded from any calculation. Whilst I acknowledge the conclusions of the appellant's Geotechnical Survey¹ which found the need for deep foundations, I do not find that this, or the costs of development, provide adequate justification for discounting the lower-ground floor element of the proposal from the assessment of the scheme's size. Furthermore, I find that the lower-ground floor area significantly contributes to the scale and mass of the development. The proposed three-storey building, with single-storey projections to both the front and rear, would be substantially larger than the chalet bungalow and array of modest outbuildings that it would replace.
14. I have had careful regard to the policies of the Framework when read as a whole, in particular the paragraphs on rural housing and supporting a prosperous rural economy. 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 little evidence to suggest that the proposal meets an identified need beyond the specific circumstances of the appellant.
15. I note that the appellant has set out that there is no other suitable housing in the area to meet their needs and since purchasing the property has significantly invested in the business and integrated into the community. Furthermore, I have had careful regard to the appellant's 'Ivylen Farm Business Plan'. I afford the provision of this operation some weight given the likely benefit to the rural economy and the recent Coronavirus pandemic. However, based on the evidence before me, including the limited extent of the identified

¹ Geotechnical Assessment by South West Geotechnical Ltd, dated September 2018, Report No. 10413 Version 1

area for agricultural or business use in the building, I consider that the same or similar benefits could likely be achieved without the identified harm. Furthermore, whilst paragraphs 83 and 84 support meeting local business needs, it remains important to ensure that development is sensitive to its surroundings, particularly in locations such as this.

16. Therefore, in conclusion on this main issue, I find that the principle of development is not supported having particular regard to the scale and location of the proposal in light of the relevant policies of the development plan and the Framework. As such, the proposal does not accord with Policy DM2 of the CS or Sections 5 and 6 of the Framework. These seek amongst other aims to promote sustainable development in rural locations.
17. Given that the proposal would replace a modest chalet bungalow with a substantially larger dwelling, the proposal would reduce the stock of smaller rural housing. However, I have very limited evidence regarding local housing needs and the consequent implications in regard to inclusive communities. As such, whilst I note the Council's reference to Policy CP5 of the CS I do not find any clear conflict with that policy in this specific instance.

Other matters

18. The appellant has provided examples of other planning approvals within the district in order to seek to justify their proposal. However, I do not have the benefit of full details and, in any event, based on the evidence I find that they are not identical to the proposal before me. As such, I afford them little weight.
19. The appellant has provided a Condition Assessment² concluding that the existing dwelling is in need of works and that the associated costs would be 'considerable'. I have no evidence to reach a contrary conclusion. However, I find this to be a broadly neutral consideration. Policy DM2 of the CS requires, in order to justify a replacement dwelling, for it to be uneconomic to bring the existing dwelling to an acceptable state of repair. Nonetheless, I do afford some weight to the benefit of providing a replacement dwelling with, for example, enhanced levels of energy efficiency.
20. Additionally, the appellant has raised concern that the Council failed to consider the proposal in a positive or proactive fashion. Whilst a source of clear frustration for the appellant, this has no significant bearing on the planning merits of the case.
21. Even if I were to take the benefits of the proposal cumulatively, I do not find that they would outweigh the harm that I have identified.

Conclusion

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

James Taylor

INSPECTOR

² Condition Assessment by Croft Surveyors Ltd; inspection undertaken 27 January 2020.