



Appeal Decision

Site visit made on 1 December 2020 by Christian Ford BA (Hons) BTP MRTPI

Decision by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2020

Appeal Ref: APP/V3310/W/20/3259467

44 Rodway, Cannington, Bridgwater TA5 2PJ

- 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 T Dray against the decision of Sedgemoor District Council.
 - The application Ref 13/20/00004, dated 10 December 2019, was refused by notice dated 19 May 2020.
 - The development proposed is erection of single self-build dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a Planning Decision Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. Outline planning permission is sought with all matters reserved.

Main Issue

4. The main issue is whether the appeal site is a suitable location for the proposed development.

Reasons for the Recommendation

5. Policy S2 of the 2019 Sedgemoor Local Plan (LP) sets out the Council's Spatial Strategy for where new development is expected to be focussed. It includes a Settlement Hierarchy in which Cannington is identified as a 'Tier 2' settlement with a defined settlement boundary. The appeal site forms part of the garden area to 44 Rodway which is a semi-detached house located outside and to the north of Cannington's settlement boundary, within the countryside.
 6. The proposed development is a single self-build dwelling. Policy D9 of the LP specifies that at the identified rural settlements (Tier 1 to 4) sites for 100% small-scale (9 or fewer homes) self-build and custom build schemes that are outside but well related to the settlement boundary will be supported.
 7. The Council have provided a copy of their March 2020 'Self-Build and Custom Build Homes Guidance' which contains a section on assessing whether a site would be 'well related' to an identified settlement. However, as the planning committee minutes of May 2020 note, it is only draft guidance, which has not
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- undergone public consultation, the document itself may be afforded very limited weight. Nevertheless, its advice that both physical and functional relationships should be reasonably satisfied would be applicable considerations, regardless of the guidance.
8. The site lies around 70m outside of Cannington's settlement boundary which only extends as far north as the Park Lane/Rodway junction. It would therefore be physically separated from the boundary, predominantly by the expanse of a sizeable paddock. Furthermore, there is an east/west ridgeline which is broadly contiguous with the alignment of Park Lane and the access road to Bridgwater and Cannington College and the Golf Course. As the site is to the north of the ridgeline where the land slopes away, the physical separation would be visually emphasised by the local topography.
 9. Although there is some residential development on the opposite side of the road to the appeal site and there is considerably more development further to the north as the road heads towards Combwich, this visually appears as loosely knit development beyond the built form of Cannington, notwithstanding the position of the Cannington village name sign.
 10. With regard to functional relationships, the local services and facilities in Cannington would be within a reasonable walking distance of the appeal site and they could be safely accessed owing to the existence of a pavement. However, due to the intervening ridgeline there would be uphill sections in reaching and especially returning from them. In contrast to the built-up area of Cannington which is fairly flat or otherwise located on the south side of the ridge, the local topography in relation to the appeal site would not be conducive to walking, notwithstanding the distances involved or the safety of the route. In light of the above, it is concluded the proposed development would not be well related to Cannington either physically or functionally.
 11. Policy D9 also specifies that in the countryside 100% self-build and custom build infill development (4 or fewer) which meets the requirements of Policy CO2 will be supported. The introductory paragraph to Policy CO2 sets out that within the countryside, where a small village or hamlet has a clearly defined nucleus of existing dwellings, small scale residential infill and redevelopment (four or fewer dwellings) will be exceptionally supported but only if all five of the listed criteria are met. The second criterion is that the development amounts to infilling of the existing main built up area of the settlement.
 12. Even if a case were to be made that the appeal site forms part of a separate loosely knit hamlet to the north of Cannington, it lacks a clearly defined nucleus of existing dwellings and the proposed development could not be regarded as the infilling of an existing main built up area.
 13. In conclusion, the appeal site would not be a suitable location for the proposed development as it would not be well related to the settlement boundary of Cannington or the nucleus of any other settlement, as required by Policies D9 and CO2 of the LP. Its failure to accord with those policies means that it would also conflict with the Council's Spatial Strategy as set out in Policy S2 of the LP.

Other Matters

14. I take into account the appellant's personal circumstances and the specific relevant guidance on self-build and custom build homes within the Government's Planning Practice Guidance. Nevertheless, the guidance only relates to enabling an exemption from any local connection test which is immaterial in this case as the appellant's local connection was not disputed by the Council.
15. The merits of Cannington as a sustainable rural settlement given its range of local services and facilities is acknowledged. It is also recognised the proposal would provide a self-build dwelling in respect of a person that is on the Council's self-build and custom build register and this would assist the Council in meeting its statutory duty to give enough permissions to meet the identified demand on the register. Furthermore, the development would provide local economic benefits during its construction phase.
16. However, the proposal must be considered in the context that as a Tier 2 settlement, there is an expectation in the LP that housing land which is well related to the settlement boundary of Cannington will be allocated through a future development plan document. Additionally, Policy D9 encourages the provision of an appropriate number of self or custom build plots on allocated sites. Given there is another mechanism by which to provide for self-build and custom build housing demand in the locality and the allocated land should be well related to the settlement boundary, in contrast to the location of the appeal site, the benefits of the proposed development identified above may be afforded very little weight.
17. While it is recognised the proposed development was supported by Cannington Parish Council, this is not a determinative consideration in this case.

Conclusion and Recommendation

18. The proposed development would conflict with the development plan and there are no material considerations which indicate the decision should be taken otherwise than in accordance with the development plan.
19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Christian Ford

PLANNING DECISION OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Planning Decision Officer's report, and on that basis the appeal is dismissed.

Anne Jordan

INSPECTOR