



## Appeal Decision

Hearing Held on 16 & 17 December 2020

Site visit made on 23 December 2020

**by H Porter BA(Hons) MSc Dip IHBC**

an Inspector appointed by the Secretary of State

**Decision date: 1 February 2021**

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**Appeal Ref: APP/W3330/W/20/3246143**

**Field located to the west of Station Road and to the south of Home Orchard, Hatch Beauchamp**

- 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 West of England Developments (Taunton) No2 Ltd against the decision of Somerset West and Taunton Council.
  - The application Ref 19/19/0009, dated 22 August 2019, was refused by notice dated 10 December 2019.
  - The development proposed is erection of 12no. dwellings with associated access, landscaping and drainage works.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs has been made by West of England Developments (Taunton) No2 Ltd against Somerset West and Taunton Council. This application will be the subject of a separate Decision.

### Background and Procedural Matters

3. The relevant elements of the development plan for this appeal comprise policies from the Taunton Deane Adopted Core Strategy 2011 - 2028, 2012 (CS) and from the Taunton Deane Site Allocations and Development Management Plan, 2016 (SADMP). Material considerations include the Taunton Deane Affordable Housing Supplementary Planning Document, 2014 (SPD); the National Planning Policy Framework, 2019 (the Framework); and the Government's Planning Practice Guidance (PPG).
  4. Two Unilateral Undertakings have been provided by the appellant that provide for various planning obligations in the event that planning permission is granted: UU1, dated 9 June 2006, relates to the provision of affordable homes, as well as financial contributions towards off-site play equipment; UU2, dated 17 December 2020, concerns nutrient neutrality obligations for implementation and management of a package treatment plant and wetland at the appeal site. Both UUs are material considerations to which I return later in the decision. Revised plans (17.98.02D and 17.98.03D) have been submitted in response to the matter of phosphates and nutrient neutrality that has arisen during the
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course of the appeal. I am satisfied that the revisions do not fundamentally alter the development and no parties' interests would be prejudiced by my taking them into account.

### **Main Issues**

5. The main issues are:

- Whether the proposed development satisfies the requirement for a rural exception site, having regard to the development plan and national planning policies; and,
- The effect of the proposed development on the character and appearance of the area.

### **Reasons**

#### *Rural Exception Site*

6. SADMP Policy SB1 seeks to maintain the quality of the rural environment and ensure a sustainable approach to development. Prioritising the most accessible and sustainable locations, CS Policy SP 1 follows a sequential approach to development. Hatch Beauchamp is amongst a number of villages with retained settlement boundaries in lowest tier of the settlement hierarchy. Located adjacent to but beyond the settlement boundaries of Hatch Beauchamp, the greenfield appeal site is treated as being within open countryside.
7. CS Policy DM 2 lists eight types of development in the countryside that are supported outside of defined settlement limits. This includes (criterion 6) for affordable housing that is a) adjoining settlement limits, provided no suitable site is available in the rural centre; b) in other locations well related to existing facilities and to meet an identified local need that cannot be met in the nearest identified rural centre.
8. Paragraph 77 of the Framework supports opportunities to bring forward affordable housing rural exceptions sites (RES) to meet identified local needs. Paragraph 78 of the Framework promotes sustainable development in rural areas, encouraging housing be located where it would enhance or maintain the vitality of rural communities. The Council's affordable housing SPD sets out that RES developments should, amongst other things, meet or help to meet a proven and specific local need for affordable housing in the Parish or adjoining rural Parishes, which would not otherwise be met.
9. The appellant undertook a Housing Needs Survey<sup>1</sup> (HNS), the method or findings of which have not been disputed by the Council and are considered to be up-to-date. I have taken note of interested parties' concerns over the accuracy of the HNS. However, taking into account the limited scope to Hatch Beauchamp Parish, the relatively low response rate, and that the Council conceded demand for affordable housing outstrips supply across the local authority area, I consider the HNS to be a conservative estimate of local need. I am therefore satisfied there is an identified local need for eight affordable homes, which the proposed development would help to meet.
10. Policy DM 2 6 a) provides support for affordable housing adjoining settlement limits providing no suitable site is available within the rural centre. The appellant has promoted the appeal scheme under CS Policy DM 2 criterion 6 b),

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<sup>1</sup> Falcon Rural Housing, June 2019

which relates to sites other locations well related to existing facilities and to meet an identified local need that cannot be met in the nearest rural centre. My reading of CS Policy DM2 is that criterion 6 a) should apply to sites that adjoin settlement limits, as the appeal site would to the settlement limits of Hatch Beauchamp.

11. I do accept that the affordable housing in this case would be well related to the existing facilities in Hatch Beauchamp and, as above, would meet an identified local need. Even so, Policy DM 2 6 b) still priorities that need being met in the nearest identified rural centre, which would be North Curry. Although RES affordable housing may be in addition to specific site allocations, justification text for Policy DM 2 sets out that proposals will remain targeted to locations within rural centres. This corresponds with CS Policy SP 1 and SP 4, which indicate that growth in rural areas will be more limited while allowing for sites fulfilling affordable housing exceptions criteria outside development boundaries in the Major Rural or Minor Rural Centres.
12. The appellant's Affordable Housing Statement<sup>2</sup> (AHS) concedes that there may be the potential for new affordable housing to come forward in North Curry. The likelihood of any forthcoming affordable housing in North Curry meeting the needs identified for Hatch Beauchamp Parish appear to have been ruled out based on assumption. Paragraph 78 of the Framework provides support for development in one village supporting services in another, whilst the SPD refers to proven and specific local need for affordable housing in the Parish or adjoining rural Parishes. I note that AHS has assessed sites within or adjacent to the settlement boundary for Hatch Beauchamp, however, without a more comprehensive assessment of whether there are suitable sites in North Curry, it has not been convincingly demonstrated that the affordable demonstrable local housing need could not be met within the rural centre in accordance with DM 2.
13. In supporting opportunities to bring forward RES affordable housing, paragraph 77 of the Framework allows for consideration of whether allowing some market housing on these sites would help facilitate this. There is no specific definition or percentage limit given in either the Framework or SPD as to what a 'proportion' or a 'small proportion' of open market housing should entail. The viability of specific sites and schemes is inevitably nuanced, as evidenced by examples of other RES schemes referred to by the appellant. I take the Framework and SPD guidance to imply that, irrespective of the percentage proportion, any open-market element should be the minimum necessary provision.
14. The proposed development would offer six affordable and six open-market dwellings; the open-market provision in this case represents 50% of the units and more than half of the developable part of the site. All of the open-market dwellings would be in the form of three-bedroomed detached bungalows. The proposed affordable units would comprise one two-storey, three-bedroomed semi-detached house; three two-storey two-bedroomed semi-detached houses; and a pair of two-bedroomed semi-detached bungalows.
15. The independent assessment of the appellant's viability report points out that the build costs rates for single-storey development are potentially higher.

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<sup>2</sup> West of England Developments (Taunton) No. 2 Ltd Affordable Housing Statement, October 2019 paragraph 4.2.6

Whether or not there was an indicative preference for bungalow dwelling during public consultations, there is no convincing reason why developing the site with mainly single-storey housing that is usually more costly and requires extra amount of land has been advanced. A separate appraisal of the costs and revenue of a scheme not comprising bungalow dwellings has not been carried out, causing me to question whether a scheme designed with two-storey homes rather than bungalows could potentially decrease the level of open market housing required to bring forward the affordable homes. On this basis, it has not been demonstrably shown that the open market housing is the minimum necessary provision to enable the delivery of the affordable housing.

16. The appellant has cited examples of RES affordable housing development outside the settlement limits. I do not know the site-specific or detailed planning judgments that applied in those instances, although the PPG<sup>3</sup> does indicate that LPAs can support opportunities to bring forward RES by working proactively with landowners and potential delivery partners such as parish councils. Nevertheless, Hatch Beauchamp is a village in the lowest tier of the settlement hierarchy, where local services and facilities are limited. I am not persuaded that meeting the affordable housing needs for Hatch Beauchamp Parish rather than in the rural centre of North Curry would reduce the need to travel, especially taking into account the extremely limited range of services and facilities to satisfy day-to-day needs that the village has to offer.
17. Drawing all of the above together, the proposal fails to satisfy the requirement for a RES outside of settlement limits in accordance with CS Policy DM 2. Furthermore, it has not been convincingly shown the market housing on the site would be the minimum necessary to help facilitate the affordable housing to meet local needs. I therefore conclude that the proposal would not find support under paragraph 77 of the Framework. As a consequence, the proposal would advance new housing in the open countryside that would not ensure a sustainable approach to development and be conflict with SADMP Policy SB1 and CS Policy SP 1 that seeks to restrict development outside of defined settlement limits and focus development on the most accessible and sustainable locations. This, in turn, causes conflict with CS Policy CP6, insofar as it seeks to ensure development reduces the need to travel.

#### *Character and appearance*

18. SADMP Policy SB1 seeks to ensure that, in all cases, development outside of boundaries of settlements is designed and sited to minimise landscape and other impacts. CS Policy SP 1 seeks to ensure proposals promote the principles of sustainable development by, amongst other things, minimising and/or mitigating pressures on the natural environment. All forms of development listed under CS Policy DM 2 are still subject to, amongst other things, being of a scale, design and layout compatible with the rural character of the area. Policy CP 8 states that on unallocated greenfield land outside settlement boundaries will be permitted where it will be appropriate in terms of scale, siting and design; and protect, conserve or enhance landscape and townscape character. Policy DM 1 requires all proposals for development not to unacceptably harm the appearance and character of any landscape, settlement, or street scene. SADMP Policy D7 seeks to ensure new housing creates a high standard of design quality and sense of place.

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<sup>3</sup> PPG Paragraph: 009 Reference ID: 67-009-20190722

19. The Council's affordable housing SPD expects RES developments, amongst other things, to be sympathetic to the form and character of the village. Furthermore, in order to achieve a successful development, the affordable housing SPD advises it should not be visually distinguishable from the market housing on site in terms of, amongst other things, architectural details and levels of amenity space; and be fully integrated with the market housing.
20. The appeal concerns a portion of a gently sloping former orchard laid to rough grass situated on the southwestern periphery of Hatch Beauchamp, a small village situated in rural surroundings characterised by a gently rolling arable landscape. The appeal site sits apart from the regular concentration of development that characterises the built-up area of the village and is readily distinguished by its verdant nature, mature hedgerow boundaries and an absence of development.
21. The notable termination in built form on the west side of Station Road and south of Orchard Close contributes to a green and open setting at the outer edge of the village and views across a wider rural landscape. Notwithstanding the proximity to Station Road and Orchard Close housing, the appeal site provides a valuable transition between the built-up settlement and the more rural context beyond.
22. The appeal scheme would develop the site with 12 dwellings, a mix of detached bungalows or two-storey semi-detached houses. Two new accesses would be created, one through the Station Road hedgerow boundary and another off Orchard Close. The south western half of the appeal site would remain undeveloped; boundary vegetation would largely be retained; and low-profile housing would occupy the highest part of the site. Nevertheless, the proposal would form an obvious urban intrusion onto the site and influence a perceptible 'creep' or sprawl of built form out from the village limits into the open countryside.
23. Through the introduction of domestic buildings, gardens, extensive surface parking and new footways, the urbanising effect of the proposal would be obvious. Particularly looking towards the south west from the corner of Station Road and Home Orchard, the rural landscape definition that the appeal site contributes to the village's setting would reduce.
24. Of the dwellings proposed, just one semi-detached pair would address Station Road, while the remainder would be orientated towards the two shared driveways. There are examples of cul-de-sacs and inward-facing developments further within the developed core of the village. However, in the vicinity of the appeal site, extant development tends to either front streets and have independent accesses off them, or to comprise a discrete developed enclave with a distinctive townscape character. Although much of the Station Road hedgerow boundary would be retained, the proposal would advance a development that would be more akin to a suburban housing estate that would be incompatible with the countryside periphery of this rural settlement.
25. During my site visit I took note of the range of local material treatments in development, and the existence of single-storey modestly-scaled cottage-like housing. However, the proposal would not only introduce a range of six house types: detached, semi-detached, single and two-storey, they would be arranged around two shared driveways, occupy varying plot sizes, and be

executed with an assortment of material finishes. For a relatively modest development overall, the range of building design, materials, scale and orientation would be so varied that, in my judgement, the scheme would lack of coherence or design continuity as a whole. Rather, the scheme would advance a fragmented and disjointed development that would fail to achieve a distinctive sense of place.

26. As proposed, all of the affordable units would be comparatively modest in size and form compared to the open market dwellings and have markedly smaller external provision. Indeed, the only semi-detached properties would be the affordable ones. Furthermore, four of the six of the affordable units would be located at the end of the shared driveway, cause them to appear set apart from, and not convincingly integrated with, the open-market dwellings. Taken as a whole, I consider the proposal would fail to achieve successful integration between affordable and open-market dwellings, which would run counter to the SPD guidance and the principles of good design.
27. Whilst there may be constraints on the site owing to odour exposure, nevertheless, I consider that the proposed development proposal would not be of a scale, design and layout compatible with the rural character of the area. Rather, it would have a harmful effect on the character and appearance of the area. Conflict therefore arises with Policies DM 2, DM 4 and CP 8 of the CS, as well as with Policies SB1 and D7 of the SADMP. Amongst other things these policies seek to ensure development is of a scale, design and layout compatible with the rural character of an area; encourages a sense of place; conserve the open character of the area; protects or enhances landscape and townscape character; and is designed and sited to minimise landscape and other impacts. There would also be conflict with policies within the Framework that seek to achieve well-designed places, establishes or maintains a strong sense of place, ensure development maintains an area's prevailing character and landscape setting, and which recognises the character and beauty of the countryside.

#### *Other considerations and planning balance*

28. I consider that UU1 and UU2 would be directly related to the development, be reasonably related in scale and kind, and necessary to make the development acceptable in planning terms. As such, I consider they would satisfy the relevant tests set out in Regulation 122(2) of the Community Infrastructure Regulations 2010.
29. The proposed development would offer six affordable homes. The appeal proposal would deliver a higher percentage of affordable housing compared to the policy requirement for development within settlement boundaries. There is also an acknowledged need for affordable housing across the local authority area and the delivery of affordable homes where there is a demonstrable local need attracts significant weight in favour of the proposed development.
30. Additionally, the proposal would bring forward six open market dwellings that would satisfy the Government's objective of boosting the supply of homes, with no upper limit. All of the dwellings the appeal scheme would deliver would contribute to a choice of homes, creating mixed and balanced communities and bring associated social and economic benefits, including during the construction phase, through CIL contributions, and as future residents feed into the local economy. However, there is an extremely limited range of services and

facilities in Hatch Beauchamp and no compelling evidence that any would be under threat in the absence of the proposal. This reduces the weight I attribute to these benefits to a modest level.

31. The proposal, in my judgement, would not cause harm in respect of flood risk, biodiversity, living conditions or highway safety. There would be financial contributions towards play equipment and contributions towards achieving phosphates neutrality and mitigation in relation to the Somerset Levels and Moors SPA and Ramsar site. However, all of this would be largely as mitigation and attract neutral or very modest weight in the overall planning balance.
32. On the other hand, the proposal would be at odds with the overall spatial strategy and would harm to the character and appearance of the area. Any RES scheme would inevitably involve development in the open countryside. Even if the landowner in this case may be unwilling to consider a smaller scheme, the delivery of RES affordable housing should not come at the cost of an up-to-date settlement strategy or the character and appearance of an area. The 'tilted balance' does not apply in this case and the proposed development would not be in a suitable location. Rather it would not represent a sustainable form of development for the purposes of the Framework or development plan. The weight of other considerations in favour of the appeal do not, in my judgement, justify making a decision other than in accordance with the development plan.

### **Conclusion**

33. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

*H Porter*

INSPECTOR

### **APPEARANCES**

#### FOR THE APPELLANT:

Rebecca Randall – Principal Planner, WYG (Agent)  
Robin Upton – Director (Planning), WYG  
Craig Worden – Senior Architectural Technician, Reed Holland Architects  
Rob Murdock – Director, RMA Environmental Ltd  
Andy Lehner – Director, West of England Developments Ltd (Appellant)

#### FOR THE LOCAL PLANNING AUTHORITY:

Jeremy Guise – Planning Officer  
Cllr Simon Coles – Head of Planning  
Cllr Ross Henley – Ward Councillor  
Simon Breeze – County Ecologist

**INTERESTED PERSONS:**

Christine Scott – Chair, Hatch Beauchamp Parish Council  
Kevin Comer  
Anette Cox  
Rod Harrington  
Pippa Fowler  
Robert Fowler  
Ruth Halliday  
Salliea Lemba  
Susan Comer-Jones

**DOCUMENTS**

- 1 Appellant's Opening Summary
- 2 Somerset West and Taunton Draft Design Guide
- 3 Briefing note on AH and Off Site Play Contribution UU
- 4 Briefing note on Nutrient Neutrality Measures UU 16.12
- 5 Phosphates Mitigation UU 16.12 (clean)
- 6 Phosphates Mitigation UU 16.12
- 7 Certified Copy NNM UU 17.12
- 8 Final Schedule of Proposed Conditions