
Appeal Decision

Site visit made on 9 March 2021

by John Wilde CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 13 April 2021

Appeal Ref: APP/W3330/W/20/3263909

Chilcombe House, 30 Trendle Lane, Bicknoller TA4 4EG

- 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 J Bridgland against the decision of Somerset West and Taunton Council.
 - The application Ref 3/01/20/016, dated 21 August 2020, was refused by notice dated 21 October 2020.
 - The development proposed is the erection of one dwelling and garage with access off Trendle Lane.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one dwelling and garage with access off Trendle Lane at Chilcombe House, 30 Trendle Lane, Bicknoller TA4 4EG in accordance with the terms of the application, Ref 3/01/20/016, dated 21 August 2020, subject to the conditions contained within the attached schedule.

Procedural matter

2. The application was made in outline with access for determination at this stage and all other matters reserved for later determination.

Main Issues

3. The main issues are:-
 - a) The effect of the proposed development on the character and appearance of the area, and
 - b) Whether or not the proposed development would be in an accessible location.

Reasons

Character and appearance

4. The appeal site is an area of garden belonging to Chilcombe House lying to the east of that property. The site is bordered on the north and south by Trendle Lane and Chilcombe Lane respectively and lies within the Quantock Hills Area of Outstanding Natural Beauty (AONB). Paragraph 172 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to conserving and enhancing landscape and scenic beauty in such areas.

Chilcombe House lies towards the eastern end of Trendle Lane, at nearly the furthest point from the centre of the village, with only two properties further to the east. There is however an almost continuous line of development from Chilcombe House into the centre on the village on the south-western side of Trendle Lane.

5. The proposed dwelling would be seen as an infill dwelling and, given the size of the plot, would retain a reasonable distance to Chilcombe House and to its eastern neighbour, commensurate with the spacing between other properties along Trendle Lane. In terms of its positioning it would not therefore jar with the existing grain of the area.
6. Whilst the proposed development would be visible from Trendle Lane it could be set back into the site, as shown on the illustrative proposed site plan. There are a number of trees between Chilcombe House and the appeal site and further landscaping could be conditioned such that the proposed house and garage would look unobtrusive and very similar to other development in the vicinity.
7. A length of hedgebank bordering Trendle Lane would have to be removed to make way for the proposed access. However, the position of the access would be on the outside of a bend such that visibility splays would be available with only a relatively short length removed. Furthermore, the resulting access would be similar to a number of other accesses already in existence on this side of the lane.
8. Overall, although an area of garden would be replaced with built form, and a short length of hedgebank lost, I consider that the result of this would not be so obtrusive or so out of keeping as to cause noticeable harm to the AONB in the wider sense. The integrity of the AONB would therefore, as a whole, be conserved.
9. There would therefore be no conflict with policies SV1, SC1 or NH14 of the West Somerset Local Plan to 2032. The former of these requires that development at primary villages should be designed to form an integral and harmonious addition to the settlement's existing character. Policy SC1 requires, amongst other things, that development respects the character of the existing settlement whilst policy NH14 makes clear that applications for development should, amongst other things, conserve or enhance the natural beauty of the AONB.
10. My attention has also been drawn to the Bicknoller Village Design Statement (DS). Whilst not part of the development plan the DS recommends that developments which involve the removal of field hedges should be resisted. However, the hedgebank in question forms the boundary of a domestic curtilage, and is not therefore strictly a field hedge. The weight that I can give to this recommendation is therefore very limited.
11. In arriving at this conclusion I am aware of the previous appeal decision relating to the site. In that proposal however the access would have been off Chilcombe Lane, where there are far fewer existing accesses and consequently the proposed one would have been far more conspicuous. I cannot therefore take the previous appeal as a compelling precedent for refusing the current one.

Location

12. Policy SC1 of the West Somerset Local Plan (LP) makes clear that Bicknoller is defined as a primary village where development within or in close proximity to the contiguous built-up area will be considered against a number of criteria. The first of these requires that the proposed development is well related to existing essential services and social facilities within the settlement, and the second requires that there is safe and easy pedestrian access to these facilities.
13. The local shop and village hall are about a 10 minute walk along Trendle Lane, while the journey to the pub takes another few minutes. I acknowledge that Trendle Lane is narrow. However, it is so narrow that the speeds of vehicles are restricted and vehicle movements are also generally low. Furthermore, there are several entrances where pedestrians can move out of the way of vehicles and these entrances become more numerous as the centre of the village is approached. I accept that in inclement weather residents may be tempted to use a car to access the village facilities. This would however be relatively rarely and would produce a minimum number of trips.
14. My attention has been drawn to another planning application in the village which went to appeal and where the Inspector found against the proposed development on the grounds of its location relative to services. That development was however for a greater number of dwellings along a different lane, and that lane has a more rural aspect than Trendle Lane with fewer existing accesses, as well as being a more direct route into the village for vehicles. I cannot therefore take this other decision as a compelling precedent.
15. Criterion d of policy SC1 requires that development does not generate significant additional traffic movements over minor roads to and from the more major road network. Highways Development Control consider that the proposed development will not create a highway safety or efficiency issue and I have been given no significant evidence that would lead me to an alternative conclusion.
16. On this issue therefore I find that there would be no conflict with policy SC1. Nor would there be conflict with policy TR2 of the LP which requires, amongst other things, that development does not generate significant additional traffic movements over minor roads.

Conditions

17. The attached schedule of conditions is based on those suggested by the Council and agreed by the appellant. In the interest of the final character and appearance of the area I have imposed conditions relating to the submission of a soft and hard landscaping scheme, details of boundary treatment, submission of samples of finishing materials and tree protection measures.
18. To ensure the adequate provision of drainage infrastructure I have imposed a condition requiring details of a drainage scheme to be submitted and approved by the local planning authority.
19. In the interests of highway safety I have imposed conditions requiring details of the construction, drainage and visibility splays of the proposed access to be submitted, a condition limiting the gradient of the access and a condition controlling the erection of gates. I note that the Highway Authority recommended a visibility splay of 25m whereas the Local Planning Authority

have suggested 43m. Taking into account the likely low speeds of traffic, the recommendations in Manual for Streets and the fact that one of the Council's main concerns was the loss of a hedgebank I have reverted to the distance of 25m in my condition.

20. To facilitate sustainability I have imposed a condition requiring secure cycle parking to be installed and for certainty I have imposed a condition listing the submitted plans.

Conclusion

21. In light of my above reasoning and having regard to all other matters raised, including strong local objections and a petition, I conclude that the appeal should be allowed.

John Wilde

INSPECTOR

Schedule of conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 2188A-DR-A-050 - 000 location plan, 2188A-DR-A-050-001 proposed site plan, 2188A-DR-A-050-002 existing and proposed roadside elevations.
- 5) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 6) A hard and soft landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted and a hedge bank to the rear of the visibility splays hereby approved.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species and the hedgebank shall be retained once planted and any plants that die shall be replaced in the same species in the next planting season..
- 7) Details of the proposed boundary treatments on the application site shall be submitted to and approved in writing by the local planning authority. Such details shall include the location of all boundary treatments shown in a scaled plan and details of the height, type, materials, finish and colour of the proposed boundary treatments. The approved details shall be carried out in accordance with the approved details, prior to the occupation of the dwelling hereby approved.
- 8) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning

- Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.
- 9) Prior to occupation of the building, works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained and maintained in that form.
 - 10) No works shall be undertaken on drainage at the access until details for the provision of drainage at the access to the site has been first submitted to and approved in writing by the local planning authority. The drainage shall be provided in accordance with the approved details prior to the occupation of the dwelling hereby approved. The drainage shall thereafter be retained in the approved form.
 - 11) The access and visibility splays shall be provided prior to the construction of the dwelling hereby approved and shall be provided in accordance with the approved plans. The access shall thereafter be retained in the approved form.
 - 12) The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.
 - 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only.
 - 14) There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 25 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times
 - 15) Details of secure cycle parking/storage (1 per bedroom) shall be submitted to and agreed in writing by the Local Planning Authority prior to occupation of the hereby approved dwelling and the approved cycle parking/storage shall be provided prior to the occupation of the dwelling and shall thereafter be retained. Reason: In the interests of highway safety.
 - 16) Before the dwelling hereby permitted is first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

