The Planning Inspectorate

Appeal Decision

Site Visit made on 12 April 2021

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2021

Appeal Ref: APP/R3325/W/20/3263952
Land south of Shatterwell Villas, Shadwell Lane, Wincanton, Somerset BA9 9AQ

- 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 David L R Chiplen against the decision of South Somerset District Council.
- The application Ref 20/01245/FUL, dated 1 May 2020, was refused by notice dated 15 September 2020.
- The development proposed is two contemporary dwellings on a vacant garden plot.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the address given on the appeal form, as it more accurately describes the location of the appeal site than that given on the application form.

Main Issues

3. The main issues are:

    a) Whether the development would preserve or enhance the character or appearance of the Wincanton Conservation Area (the CA); and,

    b) The effect of the development on biodiversity.

Reasons

Character and appearance of the CA

4. The appeal site is a roughly triangular parcel of steeply sloping land on the western bank of the River Cale. It has a long road frontage with Shadwell Lane to the west, and borders 1 Shatterwell Villas to the north. The site contains a number of mature trees and, combined with the semi-wild ground cover, this gives the site a natural appearance. The site is part of a larger linear area of open land that forms a green river corridor between the buildings in Shadwell Lane and Waterside Road.

5. The site, and the wider river corridor, lie within the CA, which covers a large part of the town. I have not been provided with a Character Appraisal describing the significance of the CA, but I saw that, in the vicinity of the appeal site, it is characterised by terraced buildings set at a higher level, with the vegetated river corridor running between. The CA extends to the north of

the site, to include the weir in the river on the opposite side of North Street, and the wider countryside beyond. The significance of this part of the CA therefore lies in the relationship between the lines of historic buildings, the green wedge that runs between them, and the link that the river corridor provides to the rural setting of the town to the north.

6. The appeal site is not readily distinguishable from the wider area of open land to either side of the river. The strip of land to the south, between Shadwell Lane and the river, is similarly natural in appearance, with trees lining the riverbank. The land on the eastern side of the river has a more formal appearance, with close mown grass and benches, but it also has bankside trees, and the path running through it enables public appreciation of the river environment. The appeal site is the widest part of the more natural western bank and, being at the northern end, it is significant in providing the visual link to the wider countryside beyond. It is, therefore, an important constituent part of the green corridor, and makes a positive contribution to the significance of the CA.

7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

8. Viewed from the south, when approaching along Shadwell Lane or the riverside footpath, Shatterwell Villas are effectively screened by the trees on and around the site. As a result, the appeal site appears as part of the natural river corridor, that extends beyond the bridge, and links the town to the countryside beyond. Although substantially smaller than a previous scheme for four dwellings, the development would, nevertheless, be highly visible, and would be an intrusive feature in the wider open space, eroding the positive contribution that it makes to the character of the CA.

9. The dwellings would also be prominent in views from North Street, to the east. At this point, the arrangement of historic buildings around the bridge results in an openness and sense of place around the junction with Waterside Road. The dense group of trees on and around the appeal site contributes to this character, and screens the more recent development in Cale Way from views out of the CA. The removal of many of the trees to enable the development would open up these views, and the two contemporary dwellings would intrude into the open space. The proposal would, therefore, be harmful to the appearance of this part of the CA.

10. The design of the development, incorporating natural materials and sedum roofs, would only have a limited impact on reducing the intrusive appearance of the buildings in the otherwise open green space. In seeking to achieve well-designed places, the National Planning Policy Framework (the Framework) does not discourage appropriate innovation. However, in this case, the form, design, and materials of the dwellings would not be sympathetic to local character and history. As a result, the design would not be successful in assimilating the development into the CA. Rather, the dwellings would appear as an incongruous and prominent feature in the river corridor, diminishing the role it plays in the significance of the CA.

11. The development would not necessarily entail the removal of all the trees on the site to accommodate the buildings. However, in the absence of any expert evidence to demonstrate otherwise, the retention of many of them would

appear incompatible with the living conditions of future occupants, due to excessive dominance, shading, and falling leaves and branches. Whilst there would be scope for some replacement planting, this would be limited in scale by the presence of the development, and would take time to mature. Meanwhile, the inevitable domestication of the land around the dwellings would alter the natural appearance of the site, which would further erode the character of the CA.

12. The harm to the CA would be localised, and therefore the impact on the significance of the heritage asset, as a whole, would be less than substantial within the meaning of Paragraph 193 of the Framework. However, less than substantial harm does not mean that less than substantial weight should be afforded to this harm. Rather, as the Framework sets out, great weight should be given to the conservation of designated heritage assets.

13. Paragraph 196 of the Framework says that less than substantial harm should be weighed against any public benefits associated with the development. The provision of two dwellings on a small site in a sustainable location would contribute towards the government's aims of significantly boosting the supply of homes, and making effective use of land within settlements. The development would provide employment during its construction, and there would also be an ongoing benefit from future occupants supporting local businesses and services. However, these benefits would be modest, due to the small scale of the development.

14. The appellant also draws my attention to the public benefits of removing trees from the site to enable maintenance of the river, and because some of them are growing directly over a public sewer and water main, or in walls that retain the road. However, there is no evidence to suggest that any necessary tree removal could only be achieved through approval of the scheme before me.

15. Paragraph 194 of the Framework advises that any harm to a designated heritage asset requires clear and convincing justification. The public benefits of the appeal scheme are limited and, consequently, would not outweigh the harm that I have identified to the CA.

16. I therefore conclude that the development would be a prominent visual intrusion into the natural green corridor, which would diminish the valuable contribution it makes to the significance of the CA. The proposal would not, therefore, preserve or enhance the character or appearance of the CA. Consequently, it would be contrary to Policies EQ2, EQ3 and EQ5 of the South Somerset Local Plan 2006-2028 (the Local Plan), and Policies 2, 3, 4 and 13 of the Wincanton Neighbourhood Plan 2018-2028. These Policies seek, amongst other things, to ensure high quality design, the preservation of designated heritage assets, and the protection of trees, river corridors and Local Green Spaces. The proposal would also conflict with the Framework's aims of achieving well-designed places and conserving the historic environment.

Biodiversity

17. The application was accompanied by an Ecological Appraisal Report, that included the results of a desk-based study, an extended phase 1 habitat survey, and an otter survey. The report concludes that no further survey work is required, sets out how potential harm to wildlife should be mitigated, and recommends measures to provide ecological enhancement. The same report

was submitted in support of an earlier appeal against refusal of outline permission for up to four dwellings. In his decision letter[1], the Inspector concluded that adequate information was available to assess the potential impact on ecology, and that no ecological harm was likely to occur, subject to the recommended mitigation and enhancement set out within the ecology report being secured by conditions.

18. Despite the findings of the Report, and the previous Inspector's conclusions, the County Ecologist considers more details are necessary to demonstrate that there would not be a net loss of biodiversity because of the development. The additional information would involve details of trees to be retained/removed, a post-development landscape plan, details of biodiversity enhancements, and a lighting plan. If I were minded to allow the appeal, these details could be secured by conditions.

19. Subject to the imposition of appropriate conditions, therefore, I am satisfied that the proposal would not cause harm to ecology, so would not conflict with Policy EQ4 of the Local Plan, which seeks to protect biodiversity. I also find no conflict with the Framework's aim to minimise impacts on and provide net gains for biodiversity.

Planning Balance

20. At the time of the application, the Council was unable to demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 73 of the Framework. The Council's evidence indicates that this is no longer the case. In any event, the harm that I have identified to the CA, and the great weight that paragraph 193 of the Framework affords to this harm, provides a clear reason for refusing the development. In these circumstances Paragraph 11d) i of the Framework disapplies the tilted balance.

21. Nevertheless, the Government's objective is to significantly boost the supply of housing, and the proposal would provide two houses in a location with good access to services. Given the small scale of the proposal, the provision of the additional housing attracts modest weight. However, the development would harm the character and appearance of the CA, and this harm is not outweighed by the public benefits of the development. The great weight that this harm attracts outweighs the modest benefits associated with the additional housing.

22. The proposal would therefore conflict with the development plan, and there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

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

Nick Davies

INSPECTOR

[1] Appeal Decision APP/R3325/W/19/3237424