
Appeal Decision

Site visit made on 23 November 2021

by Philip Major BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2021

Appeal Ref: APP/V3310/W/21/3275943

Maiden Mead, North Newton, Bridgwater TA7 0DQ

- 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 Ms C Durbin against the decision of Sedgemoor District Council.
 - The application Ref: 37/20/00067, dated 12 August 2020, was refused by notice dated 7 December 2020.
 - The development proposed is the erection of a single dwelling.
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Preliminary Matters

1. The Council refused planning permission for 2 reasons. The second reason relates to being able to demonstrate that the proposal would not add to nutrient loads (phosphorus) within the catchment of the Somerset Levels and Moors Ramsar site. Since the refusal the Appellant has produced a short report indicating that there would be no likelihood of any significant effects on the Ramsar site and that an appropriate assessment is not required. I am not aware of the Council's response in that regard. In any event, as I have determined that the appeal should be dismissed for other reasons, there is no need for me to consider that matter further.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue in the appeal is whether the proposed development would be located in an acceptable location in relation to local spatial strategy.

Reasons

4. The appeal site is located in a deeply rural area. Development in the locality is scattered and sporadic, linked by predominantly narrow lanes. The Bridgwater and Taunton canal bisects the area and is located close to the eastern boundary of the appeal site. The appeal site is visible from the roadside both through the vehicular access and through gaps in the roadside hedge, and it is also visible at present from the canalside towpath.
5. Policies of the development plan are of recent origin, being adopted in 2019. The overall spatial strategy is to concentrate most housing growth in larger settlements, with less development in smaller settlements and the countryside. This is consistent with the advice of the National Planning Policy Framework (NPPF). Of particular note is Policy CO2 which deals with infill housing in the

countryside. Any such infill housing should be associated with a small village or hamlet which has a clearly defined nucleus. In this case I cannot agree that there is any relationship between the appeal site and a village or hamlet even though there are dwellings scattered around the general locality. The Appellant accepts that the site is, in policy terms, in the open countryside. The nearest defined hamlet of which I am aware is Hedging, some distance to the west, whilst the nearest village of North Newton is even further away to the north. Although a hamlet of Banklands is referred to this is not a specified location unless it refers to the converted barns at Newcotts Farm to the east. In any event there is simply no nucleus of development around the appeal site which would satisfy the locational requirements of Policy CO2 and so the site cannot be regarded as an infill plot. The concept advanced by the Appellant, that the site is part of the 'wider hamlets' of Hedging and Banklands, has no support from the development plan. There is clear conflict with Policy CO2.

6. There is support in the development plan for self-build homes (Policy D9) but I note that this depends, amongst other things, on self-build homes in the countryside being in compliance with Policy CO2. As this proposal falls outside of the scope of Policy CO2 it cannot gain support from Policy D9. I note here that there is nothing before me which adequately counters the Council's position that it has facilitated the provision of a satisfactory number of self-build plots.
7. I have noted the support of several people who consider that the proposal would assist in tidying up the locality, and that it would enable a dwelling to be constructed for those with local connections. That may well be so, but there is clear conflict with the spatial policies of the development plan in this case, notwithstanding the local connections of the Appellant and the current use of the site.
8. In a broader sense the objectives of Policy CO1 seek to ensure that development in the countryside follows sustainable principles. This, in part, reflects the fact that countryside areas have limited services and fewer opportunities for sustainable transport. I have been given no information which supports the development of this site as an exception to the more focussed objectives of those other policies noted above. The Council has not identified any residual requirement for housing provision in the countryside over the Local Plan period. Hence, I also find conflict with Policy CO1.
9. I do not accept that the Council has interpreted its policies in a narrow and inflexible manner as suggested. Nor am I satisfied that it has been demonstrated that the site should be accepted as previously developed land given what I have read about its current use. Even were the land to be accepted as previously developed it would not overcome the locational difficulties and development plan conflict I have set out.

Conclusion

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

Philip Major

INSPECTOR