



Appeal Decision

Site Visit made on 9 November 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2021

Appeal Ref: APP/W3330/W/21/3277247

E 311485 N 138944, Chilcombe Lane, Bicknoller, Somerset TA4 4ES

- 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 Mrs Rebecca Maynard against the decision of Somerset West and Taunton Council.
 - The application Ref 3/01/20/017, dated 11 December 2020, was refused by notice dated 12 February 2021.
 - The development proposed is described as “the application comprises a request to convert a substantially built redundant rural building into a single dwelling located in close proximity to the rural settlement of Bicknoller and the transport connections on the A358”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A previous appeal decision¹ at the site dismissed the change of use of the land from equestrian to residential use and the conversion of the existing stable to a dwelling. The proposal before me is broadly the same, although I note that the appellant has provided further landscaping details having regard to the site’s location within the AONB.

Main Issues

3. The main issues in this appeal are:
 - the effect of the development on the character and appearance of the area and the Quantock Hills Area of Outstanding Natural Beauty (AONB); and
 - whether the site is an appropriate location for residential development, in the context of the development plan and national policy and with particular regard to the accessibility to services.

Reasons

Character and Appearance

4. The appeal site is accessed off Chilcome Lane, a narrow rural road bounded on either side by mature trees and hedgerow. The site is located outside of the nearest settlement of Bicknoller and is within the AONB. Paragraph 176 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to conserving and enhancing landscape and scenic

¹ APP/H3320/W/17/3175634, dismissed 14 August 2017

beauty in such areas. Moreover, the scale and extent of development within AONBs should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

5. The site's roadside frontage consists of a raised bank abutting the highway, which supports a dense covering of mature trees and hedgerow. This screens a stable building on the elevated land above, although it can be glimpsed through the site access and gaps between the trees. The western boundary of the site is characterised by a further line of established trees and hedgerow. The stable is cut into the slope of the land and assumes a recessed position that makes it less visible when viewed from the field and higher land to the south. The existing vegetation surrounding the site makes a valuable contribution to the immediate area's rural character and atmosphere along Chilcombe Lane, as well as limiting the presence of the stable building within this protected landscape.
6. The creation of a visibility splay at the site access with Chilcombe Lane would result in the partial removal of the bank and vegetation along the site's frontage. There are no details of the full extent of tree / hedgerow removal and whether translocation of the boundary would be a viable option. If it were, it could nonetheless take some years to re-establish. Therefore, the works along the existing boundary would likely result in the site appearing more visible from Chilcombe Lane.
7. The new tarmac section of drive and parking and turning area proposed to the dwelling's north east would have a harsh appearance in the context of the site's natural surroundings. Together with parked vehicles, external domestic paraphernalia and lighting requirements, an intensive domestic environment would be created, where currently one does not exist. The effect of this change, together with work to the roadside boundary, would unacceptably erode the scenic qualities of the AONB and the rural character and appearance of this part of Chilcombe Lane.
8. The appellant's commitment to the delivery of an acceptable landscape scheme is noted. This could be provided through a planning condition. However, in the absence of a tree survey accompanying the appeal, there is no detailed information on the existing landscape features on site, for example, their condition, scale and species and whether their loss could be acceptably mitigated. Moreover, there are no details on whether any additional planting would enhance the site's landscape qualities.
9. Comparisons have been made between the appeal proposal and a recently constructed dwelling on Chilcombe Lane². I do not have the full details that led to the Council's approval of that scheme. However, that development, I observed, is located close to and viewed in context with the existing residential properties along Trendle Lane. The appeal site, in contrast, is more divorced from that grouping of dwellings, located further away and on the southern side of Chilcome Lane where there are largely agricultural fields and areas devoid of any development. I cannot therefore take this other decision as a compelling precedent.

² Approval Refs 3/01/15/009 (outline) & 3/01/16/004 (reserved matters)

10. Therefore, in light of the above, the proposal would cause significant harm to the character and appearance of the area and the AONB. It would be contrary to Policies SD1, SC1, OC1 and NH14 of the West Somerset Local Plan to 2032 (adopted 2016) (the Local Plan), which, amongst other things, require proposals to not harm the prevailing landscape character and are designed to minimise adverse impacts on the quality and integrity of the local landscape character. It would also fail to accord with Paragraph 176 of the Framework and the Council's AONB Management Plan.

Whether the site is an appropriate location for residential development

11. The main parties agree that the appeal site is in the open countryside and located outside the development limits of Bicknoller, to the north. Accordingly, the proposal would need to accord with Policies SC1 and OC1 of the Local Plan. Policy SC1 includes the requirement for new dwellings to be well related to existing essential services and social facilities of a nearby settlement and there being a safe and easy pedestrian access to those amenities.
12. The proposal's proximity to Bicknoller's facilities and services has not changed since the determination of the previous appeal, while the route from the appeal site to the village core is lengthy, unlit and without footways. This is not an attractive pedestrian route, especially in poor light, which would discourage walking to access the village's services and facilities. Therefore, occupiers of the proposed dwelling would be heavily reliant on the use of a car or other vehicle.
13. The appellant's Sustainability Statement indicates that there is a bus service to larger towns nearby departing from the A358 close to the junction with Dashwoods Lane. This is around 500m away from the appeal site and would be partly accessed along the unlit Chilcombe Road. Once on the A358, pedestrians would have to travel along a very narrow footpath that would be unlit for most of its length. This route is unappealing, particularly given the proximity to fast moving traffic along the A road, and it is unlikely to be suitable for a wide range of future residents. Therefore, future occupiers would be likely to favour journeys to access amenities by car.
14. The appellant has referred to the similarities between the proposal and the dwelling the Council approved some 200m to the north off Chilcombe Lane. As referred to earlier, I do not have the full details that led to that scheme's consent. Nonetheless, it is located closer to services and facilities and residents of that property would have to walk less along the dark and narrow road to the village centre.
15. The Council approved a scheme at Ivy Cottage, Sampford Brett³ that also relates to a conversion of a building to a dwelling. The appellant indicates that this dwelling is sited further away from services and facilities. Again, I do not have the full details of that case, although the Council have indicated that it was within a settlement therefore was assessed against different development plan policies. I cannot therefore take those decisions as compelling precedents.
16. In terms of national policy, Paragraph 80 c) of the more recent Framework (2021)⁴ supports the conversion of redundant buildings to dwellings in isolated countryside locations providing proposals enhance the immediate setting.

³ Approval Ref 3/28/19/002

⁴ National Planning Policy Framework, 2021

However, I have not been provided with any details of how the setting of the land surrounding the barn would be improved and whether the tree loss along the frontage and western boundary would be effectively mitigated.

17. As a conversion opportunity the proposal would align favourably with aspects of the Framework that promote the efficient use of buildings and land, as well as limiting the use of natural resources. However, this would not resolve the conflict with other aspects of the Framework that relate to dwelling conversions in isolated locations and within AONBs.
18. Therefore, the changes proposed, together with the policy arguments and case examples referred to do not persuade me that the circumstances at the appeal site have changed, such that a dwelling would be acceptable at this location. It would represent an inappropriate location for residential development, in the context of local and national policy, with particular regard to the accessibility to services and facilities and fails to accord with Policies SD1 and TR2 of the Local Plan. These require proposals to secure improvements to the social and natural environmental conditions in the area and complement existing service and facility provision nearby without generating new unsustainable transport patterns. It would also be contrary to the objectives set out in Paragraph 80 of the Framework.

Other Matters

19. The Council raised no concerns in respect of the proposal's impact on highway safety, biodiversity and drainage. However, the lack of concern in those respects weighs neutrally in my assessment of the case.

Conclusion

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

RE Jones

INSPECTOR