



Appeal Decision

Site visit made on 25 January 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2022

Appeal Ref: APP/D0121/W/21/3281931

Max House Farm, Max Mill Lane, Winscombe BS25 1DS

- 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 Nicole Atkinson against the decision of North Somerset Council.
 - The application Ref 19/P/2763/FUL, dated 7 November 2019, was refused by notice dated 19 March 2021.
 - The development proposed is described as 'Demolition of existing dwelling and coach house. Construction of replacements'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant states that the site has an established use as three residential units. Whilst the Council appear to have sent planning consultation letters to 3 addresses at Max House Farm, they state that the house was originally a single dwelling and there are no planning records concerning its use as three dwellings. It is not within my remit to determine the lawful use of the site. If the appellant would like a formal determination from the Council on the established lawful use of the site, without prejudice, they may make an application under section 191 of the Town and Country Planning Act 1990. In the absence of agreement between the main parties, or a formal determination that the established lawful use of the site is as 3 separate dwellings, I have determined this appeal on the basis of the lawful use of the site being as a single dwelling.
3. The appellant has set out advice they say was provided to them by the Council during the course of the application, some of which is contested by the Council. Notwithstanding this, I have determined the appeal on the basis of the submitted plans.
4. The Council have raised a concern about the proposed development with regard to the possibility that the link between the main dwelling and the annex could be severed in future to create two separate dwellings. I have determined the appeal on the basis of what is proposed, which is a dwelling with an annex, rather than on any future possibilities which are not before me.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the site and its setting, with particular regard to the extent to which it would conserve or enhance the natural beauty of the Mendip Hills Area of Outstanding Natural Beauty.

Reasons

6. The appeal site is a large plot in the countryside, surrounded by fields and woodland. It is in an area of scattered farms and dwellings outside of the Winscombe settlement boundary and within the Mendip Hills Area of Outstanding Natural Beauty (AONB). The Landscape Character Assessment Supplementary Planning Guidance 2018 (SPG) notes that outside of Winscombe, the area is characterised by dispersed farmsteads along winding rural roads with buildings being predominantly traditional in style, constructed from stone with red tile roofs. Whilst there is no dominant style to the dwellings along Max Mills Lane, with a mix of traditional stone farmhouses and some modern dwellings, there is a predominance of large single dwellings within defined and dispersed plots.
7. The existing dwelling at the site is a non-designated heritage asset, but both the dwelling and coach house are derelict. It has been established that they are beyond repair. As such, whilst the original dwelling may have had merit, due to its derelict condition, the dwelling does not currently make a positive contribution to the site or the area. However, a positive contribution would be expected from any replacement dwelling.
8. The proposed development would consist of a large two storey main dwelling and a two storey annex, joined at an irregular angle by a linking section of a lower height. It would have a variety of roof forms including a hipped roof on the main dwelling, gabled roofs on the annex and single pitch roofs with varied slopes on the linking section. When taken together, this mix of roof forms and the angle at which the elements join, would result in an overly complex and muddled built form, with elements interacting in an awkward and visually jarring way. In addition, the design lacks a clearly defined main entrance and principal elevation.
9. The appellant has stated that the proposed dwelling and annex would be smaller than if the derelict dwelling and coach house were to be rebuilt. They also state that the annex would be around 44% of the size of the main dwelling. Whilst this may be the case, the annex would still be a considerable size, set off from the main dwelling, and of a different design to the main dwelling. As a consequence, the annex and main dwelling would have the appearance of two separate dwellings joined by a linking section, rather than appearing as a cohesive and integrated whole. This does not reflect the character of the surrounding area. It also fails to accord with Council policy which seeks to ensure that annexes outside of settlement boundaries are designed as an integral part of the main dwelling.
10. The proposed development would be set well back from the road, but due to its scale would be highly visible from the road as well as from neighbouring properties and within the wider landscape. Despite the lack of a dominant design style in the immediate area and the use of suitable materials in the exterior finishes, the proposed development would be out of keeping with the

character of the surrounding built and natural environment. The level of visibility, combined with the poor design, would result in a dwelling and annex that failed to take the opportunities available for improving the appearance of the area.

11. Paragraph 176 of the National Planning Policy Framework (the Framework) sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in an AONB. In addition, whilst the site does not appear to constitute an 'urban edge' as set out in the SPG, the SPG guidance on conserving the remote and rural nature of the pastoral landscape does apply. As set out above, the proposed development is visible within the landscape and is poorly designed. As a result, it would neither conserve nor enhance the landscape and scenic beauty of the AONB.
12. My attention has been drawn to examples of a range of windows in the area, many of which I viewed during my site visit. Whilst the context of each of the examples is different to the appeal site, and direct parallels are not easily drawn, in this case it is evident that the area does not have a dominant window style which the proposed development should reflect. Therefore, the proposed form and proportions of the windows would not be out of keeping with the surrounding area, were they to be incorporated into a well designed dwelling.
13. I conclude that the proposed development would cause significant harm to the character and appearance of the site and its setting and would fail to conserve or enhance the natural beauty of the Mendip Hills AONB. Consequently, the development would not comply with Policies CS5 and CS12 of the North Somerset Council Core Strategy 2017 (CS), Policies DM10, DM11, DM32 and DM43 of the North Somerset Sites and Policies Plan Part 1 Development Management 2016 (DM), and the SPG. Together, amongst other things, these policies seek to ensure that development is well designed, carefully integrated into the natural and built environment, reflects the identity of local surroundings, and conserves or enhances the landscape and scenic beauty of the AONB. These policies also seek to ensure that in the countryside, annexes are designed as an integral part of the dwelling. Furthermore, it would not accord with the Framework which seeks to achieve well designed places.
14. However, as the proposed development is for a sustainable and energy efficient dwelling, which replaces a derelict dwelling, and includes an annex rather than an additional dwelling in the countryside, I do not find conflict with Policies CS1 and CS33 of the CS, Policy DM7 of the DM, or Policy SA2 of the North Somerset Sites and Policies Plan Part 2 Sites Allocation Plan. Together, amongst other things, these policies seek to restrict new residential development outside of settlement boundaries, safeguard non-designated heritage assets, and ensure that development demonstrates a commitment to reducing carbon emissions.

Other Matters

15. I note that following the refusal of the application subject to this appeal, an application for a revised scheme at the site was submitted to the Council for consideration. The revised scheme was granted permission, with conditions, on 16 December 2021. This does not change the considerations set out above.
16. The appellant states that the proposed development would create a sustainable, energy efficient home and would support the restoration and conservation of an historic walled garden, along with other landscape and

biodiversity enhancements. The appellant also states that the proposed development has been designed to provide a multi-generational dwelling with sufficient space and suitable access and parking to support modern family living. Whilst this may be the case, such factors do not outweigh the harm I have identified.

17. The appellant has stated that planning officers did not act in a positive and proactive manner. The Council dispute this. The appellant could have made an application for an award of costs if they believed that the Council had behaved unreasonably and the unreasonable behaviour had directly caused unnecessary or wasted expense in the appeal process. No application for an award of costs has been made.

Conclusion

18. For the reasons given above and taking into account the development plan as a whole and all other matters raised, I conclude that the appeal should be dismissed.

Helen Davies

INSPECTOR