
Appeal Decision

Site visit made on 28 February 2022

by John Wilde CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 9 March 2022

Appeal Ref: APP/W3330/W/21/3285797

Birds Farm, Higher Knapp Lane, Knapp North Curry, Taunton TA3 6AZ

- 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 Rob Case against the decision of Somerset West and Taunton Council.
 - The application Ref 24/21/0031, dated 12 May 2021, was refused by notice dated 14 September 2021.
 - The development proposed is the erection of a single dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:-
 - a) The character and appearance of the area, and
 - b) The Somerset Levels and Moors Ramsar site

Reasons

3. The appeal site lies on a hillside situated above and a short distance away from the River Tone. The site is approached from the east and the land falls steeply away towards the west. The proposal is for a two storey dwelling that would be sited towards the front of the crest, replacing a now demolished barn.
4. There is an extant planning permission on the site for a single storey dwelling with mezzanine, which would replace the barn and was allowed under the permitted development regime. This is therefore a fallback position and an important material consideration.

Character and appearance

5. The site is very prominent within the local rural landscape, being the highest point for a considerable distance. There is a copse of trees to the front (west) of the site and an 'L' shaped stable type block and single storey wooden property relatively close to the north. Within the area, and particularly from the hillside, built form can be seen nestled within the landscape and there are three agricultural barns visible which are more prominent than most of the other buildings, due primarily to their colour.

6. I have been supplied with a Landscape Statement (LS) prepared by Clark Landscape Design on behalf of the appellant. This assesses the views likely to be available of the proposed development from seven viewpoints, the majority being on local public rights of way to the west of the appeal site. In most instances the LS summarises the overall effect of the proposed development as being neutral or low to neutral. However, in the summary associated with each of these viewpoints the comment is made in all but one instance that there *may be some partial and glimpsed winter views of the dwelling with the loss of leaf cover*. I agree with this assessment. The majority of trees within the copse are deciduous and during my visit I was able to glimpse the outline of the existing buildings behind the trees, and as I moved further to the north the single storey wooden property was clearly visible.
7. These buildings, and in particular the stables, are set back from the front of the promontory and it follows that anything further forward would be likely to be more prominent. I acknowledge that the approved dwelling would be further forward. However, this would be considerably smaller in terms of its scale, bulk and height than the proposed dwelling. Furthermore, the proposed dwelling would have large windows facing the west, with two very large picture windows serving the master bedroom.
8. Whether or not the proposed dwelling could be seen over the top of the copse of trees is a moot point, but it would certainly be seen through it, particularly during the winter, and the presence of the extensive glazing would mean that the dwelling was very noticeable across a wide area when the lights were on. To my mind the proposed dwelling would be seen as an intrusion into what is at present a rural and relatively tranquil landscape.
9. This would place it in conflict with policies DM 1 and CP8 of the Taunton Deane Borough council Adopted Core Strategy 2011-2028. The former of these seeks to ensure, amongst other things, that development does not unacceptably harm the appearance and character of any affected landscape. The latter requires that development outside of settlement boundaries is appropriate in terms of its scale, siting and design.

Somerset Levels and Moors Ramsar site

10. The appeal site is within the catchment area of the Somerset Levels and Moors Ramsar site which is designated by virtue of its rare aquatic invertebrates. There is an ongoing environmental issue related to high phosphate levels within the RAMSAR site. Information from Somerset County Council (SCC) indicates that any applications for residential development need to demonstrate how nutrient neutrality can be achieved in respect of wastewater discharged from the site. This is needed to show that the development would comply with The Conservation of Habitats and Species Regulations 2017 and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.
11. Consequently, as the Appropriate Authority, I have to be certain that the proposed development would not have a likely significant effect upon the integrity of the RAMSAR site.
12. I have not been supplied with any details as to how nutrient neutrality could be achieved. The appellant has indicated that he would be *willing to sign up to any future solution to this issue including a financial contribution*. However, I have no signed Obligation before me to ensure that mitigation measures would be

put in place in the event of a future solution, and even if I had, this would not be sufficient taking into account the precautionary principle required in such situations. I therefore find that the proposed development would conflict with policy CP8 of the CS, which requires that development should provide for any necessary mitigation measures.

Conclusion

13. For the above reasons, and having taken into account all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

INSPECTOR