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# Appeal Decision

Site visit made on 26 August 2022

**by James Blackwell LLB (Hons) PgDip**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 September 2022**

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**Appeal Ref: APP/W3330/W/22/3292379**

**Land at Courtlands Farm, Courtlands, Langford Budville, Wellington TA21 0BF**

- 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 Mr & Mrs Graham & Emma Webb against the decision of Somerset West and Taunton Council.
  - The application Ref 21/21/0016, dated 29 April 2021, was refused by notice dated 26 August 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:
  - whether the appeal site would represent a sustainable location for new housing;
  - the effect of the proposal on the character and appearance of the surrounding area; and
  - the effect of the development on the integrity of the Somerset Levels and Moors Ramsar site.

## Reasons

### *Policy Background*

3. Policy SP1 of the Council's Core Strategy<sup>1</sup> (CS) sets out the overarching spatial strategy for the district, and seeks to direct new housing to the most sustainable and accessible locations within the Council's area. The Policy is clear that villages, including Langford Budville, should retain their settlement boundaries, and therefore seeks to limit new housing to small scale proposals "*within settlement limits*". Given that the appeal site sits outside of Langford Budville, the proposal would not be supported by this policy, and would instead be classed as open countryside. As per Policy SB1 of the Council's Site Allocations and Development Management Plan<sup>2</sup> (DMP), it should therefore be assessed against Policies CP1, CP8 and DM2 of the CS.

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<sup>1</sup> Adopted Taunton Deane Core Strategy 2011 - 2028

<sup>2</sup> Taunton Deane Adopted Site Allocations and Development Management Plan, December 2016

### *Location*

4. Policy CP1 of the CS says that development should result in a sustainable environment, and locational decisions should be made to reduce the need to travel. Policy A5 of the DMP further expands on this, and says residential development should be within walking distance of, or should have access by public transport to, employment, convenience and comparison shopping, primary and secondary education, primary and secondary health care, leisure and other essential facilities. Whilst Langford Budville does benefit from a pub, a primary school, a church, a village hall and a café, it lacks public transport connections to further afield, where these other services and facilities could be accessed. This means occupiers of the new dwelling would likely be reliant on private vehicles to access employment opportunities and many everyday local amenities.
5. In turn, the location of the proposal would not be sustainable, and the development would conflict with the objectives of Policies SP1 and CP1 of the CS and SB1 and A5 of the DMP, as outlined above. It would also contravene Policies SD1 and CP6 of the CS, which again promote the importance of sustainable development and the need to reduce the need for travel for jobs, services and community facilities.

### *Character and Appearance*

6. The appeal site comprises a parcel of land to the south of houses along Courtlands, and is currently occupied by a stable and poultry building. As highlighted, it sits just outside of the settlement boundary of Langford Budville, which is a small village located to the north-west of Wellington. The village is surrounded by swathes of open countryside, which gives it a strong rural character.
7. The houses on the southern side of Courtlands back on to open countryside, and broadly speaking, help demarcate the built settlement limit of the village. The appeal site sits alongside the large rear gardens to these houses, which are generally open and laid to grass. Together with the appeal site, the verdant nature of these spaces allows a clean and seamless transition between the built form of the village and the rural landscape to the south. Given their agricultural character, the existing stables and poultry building also assimilate effectively within this rural setting.
8. In this context, the proposed dwelling would be perceived as encroachment into the countryside, breaching the existing built settlement limit. Irrespective of any green wedges between settlements, this encroachment would undermine the coherent transition between the village and the adjacent open countryside. As the new dwelling would be substantially stepped back from the existing houses along Courtlands, it would also have an uncomfortable relationship with the prevailing pattern of built form in the village. This impact would be exacerbated by the siting of the new dwelling at a 90 degree angle to these houses, which would further amplify the incongruity.
9. For these reasons, the development would harm the character and appearance of the area. It would conflict with Policy CP8 of the CS, which says development outside of defined settlement boundaries must be appropriate in terms of scale, siting and design. The proposal would also conflict with Policy DM1(d) of the CS, which says the character and appearance of any affected landscape or

settlement should not be unacceptably harmed by new development. Given that new housing is not included within Policy DM2 of the CS as a type of permissible development within open countryside, the proposal would also conflict with this policy.

#### *Somerset Levels and Moors Ramsar Site*

10. The appeal site is within the catchment flowing into the Somerset Levels and Moors Ramsar site (Ramsar site). Owing to the existing high level of phosphates within the Ramsar site, any additional phosphate pollution could adversely affect its integrity. Given that phosphates are present in foul water discharge associated with residential development, any new housing within the relevant catchment area needs to demonstrate nutrient neutrality, to ensure the integrity of the Ramsar site is not compromised.
11. The appellant's Nutrient Neutrality Statement outlines two options for phosphate mitigation, which would allegedly overcome any potential risk to the integrity of the Ramsar site. Nonetheless, as I am dismissing the appeal on other grounds, further consideration of this factor, including an appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) to determine any impact of the proposal on the integrity of the Somerset Levels and Moors Ramsar and the need for any associated mitigation, is not required. I have therefore not considered this matter further.

#### **Other Matters**

12. The appellant has cited a number of housing developments within the Council's area which have been permitted on land falling outside of defined settlement limits. Whilst each case must be determined on its own merits, in this instance the harm arising from the development relates not only to site's location outside of the settlement limit of Langford Budville, but also to the impact of the development on the character of the surrounding landscape.
13. Whilst I recognise that the development would contribute to the Council's self-build housing stock (the importance of which is recognised by Planning Practice Guidance), this benefit would not outweigh the harm arising from the policy conflicts outlined above.
14. Although the "Taunton Slinky" does provide some limited transport connections to Taunton and Wellington, this is described as an accessible bus service for people "*unable to access conventional transport*". I am not persuaded that this service would adequately overcome the lack of public transport connections within the village, nor properly discourage reliance on private vehicles to access local services and amenities.

#### **Conclusion**

15. The development would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, that would outweigh this finding. The appeal should therefore be dismissed.

*James Blackwell*

INSPECTOR