
Appeal Decision

Site visit made on 13 September 2022

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th October 2022

Appeal Ref: APP/V3310/W/22/3298429

Land to the north of 27 Pedwell Hill, Ashcott, Bridgwater, TA7 9BD

- 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 and Mrs Franks against the decision of Sedgemoor District Council.
 - The application Ref 01/21/00021, dated 28 July 2021, was refused by notice dated 9 November 2021.
 - The development proposed is the erection of a dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application was submitted for outline planning permission, with all matters reserved, and this is the basis upon which the Council considered the proposal. The submitted plans show details that are reserved for future consideration. Drawing S6051/SK 01 depicts the access for the proposed dwelling, its location, footprint, and height, and these details have not been marked as illustrative nor indicative. For the avoidance of doubt, I am considering the appeal on the basis of the evidence before me, giving consideration to the above referenced plan as forming part of the outline permission.
3. The address given on the original application form described the site location as 29 Pedwell Hill. However, most of the appellants' appeal submissions and also the Council's decision notice describe the site as being land to the north of 27 Pedwell Hill. As this was consistent with what I saw at my site visit, I have referred to this address above.
4. The original application was submitted on the basis of the proposed dwelling being market housing. During consideration of the application the Council accepted a local connection criteria for the appellants with regard to the self-build register. I have considered the appeal on this basis.

Main Issues

5. The main issues in this case are firstly, whether the location of the site is suitable for residential development; and secondly, the effect of the proposed development upon the Somerset Levels and Moors Ramsar.

Reasons

Location

6. Positioned upon a steeply sloping hillside to the western side of Pedwell Hill, the appeal site comprises part of the garden of 27 Pedwell Hill (No 27) and part of a paddock that is currently used for equine grazing. No 27 is a detached house with gardens to the rear and to the side that stretch northwards to meet the gardens of 31 Pedwell Hill (No 31). There are a variety of sheds and poultry houses within the site, and to the northern-most corner there is a gated access onto the road.
7. Although the appeal site is bounded by residential properties to the north and south, these houses are surrounded by fields and paddocks and are very distinctly and physically separate from Ashcott and Pedwell. Near to the appeal site the area is predominantly agricultural land. There are other residential properties scattered along Pedwell Hill, and a small cluster at the junction of this road with Bath Road. The scattered nature of these dwellings, including those either side of the appeal site is such they form sporadic dwellings within the countryside. Whilst the appellants consider the proposal would be residential infill that would be consistent with development that has occurred in the area since the mid-1990s, in this instance the spacious separation created by the generous size of the gardens of the two houses is such that they visually accord more with the open nature of the countryside rather than forming a discrete group that can be regarded as a settlement.
8. Furthermore, as Nos 27 and 31 are positioned on a steeply sloping hillside there is a vertical division between the dwellings that enhances their physical separation. The provision of an additional home between these houses would serve to erode the spacious separation that exists between these dwellings. The conditions suggested by the parties would not ameliorate this fundamental harm. Even though it would be a self-build scheme providing a home for those with a local connection, the presence of a further dwelling in this location would serve to unacceptably intensify what is currently a loose knit positioning of two houses set within generous gardens in a countryside location.
9. The appellants consider the proposal would accord with the judgement of *Braintree DC v SSCLG, Greyread Ltd and Granville Developments Ltd [2018] EWCA Civ 610* in that the dwelling would be within a settlement. However, the above referenced judgement makes it clear that whether a dwelling would be isolated is a matter of judgement for the decision maker. In this case the proposed home would not be infill development

on the edge or within a settlement, but it would be between two houses in large gardens that are surrounded by fields.

10. Although Ashcott has a variety of services and facilities, there are no footways along much of the nearby sections of Bath Road. This road is a busy main road, and walking or cycling along it to access the village would not be an attractive alternative to the private motor vehicle, particularly so at night. Furthermore, Pedwell Hill has no footways nor is it lit, and near to the appeal site it is tightly constrained by vegetated banks with no verges. The nature of this road is such that anyone using it, including those that are familiar with it, would need to be highly alert at all times to the presence of other users so as to avoid conflict.
11. Pedwell Lane and a nearby public footpath may provide alternative routes to access the village, but the former is an unlit narrow, single lane road with few passing places, and the footpath would necessitate walking across fields. The propensity to walk and cycle is influenced not only by distance, but also by the quality of the experience. The steep nature of the hillside, the absence of footways, the unlit, and the constrained nature of the lanes would not encourage walking or cycling, and particularly so during hours of darkness, and in the winter during adverse weather.
12. The public house and café at the junction of Pedwell Hill with Bath Road would provide future occupiers with a few very limited facilities, but accessing other services and facilities in the village by foot or by bicycle would not be options for some future residents. The residential development of the site would increase the number of private motor vehicle trips as future occupants would need to travel to avail themselves of basic services and facilities. Future occupants would be reliant on motor vehicles with the consequential environmental harm resulting from increased journeys and associated pollution.
13. Two self-build dwellings on Bath Road have been drawn to my attention. However, these homes are within a gap in the ribbon of development that exists to the southern side of the road. Given this context, these dwellings do not form a binding precedent for approving the appeal scheme.
14. As the dwelling would be a self-build home, future occupiers would have a connection with the local community, and there is also local support for the proposal. Notwithstanding this, the position of the dwelling would be such that it would not be in a suitable location for residential development, and any future occupiers would be reliant on the private car, contrary to objectives of the National Planning Policy Framework (the Framework) that seeks to promote sustainable development and minimise vehicular movements.
15. A key aim of the Framework is to significantly boost the supply of housing, but when read as a whole the Framework does not suggest this should happen at the expense of other considerations. Given my

findings, the dwelling would fail to accord with Policies S2, CO2, D9, and D19 of the Sedgemoor Local Plan (2019) (LP). These policies seek amongst other things, to control development in rural areas, to maintain and enhance sustainable patterns of development, to enhance landscape character, and with self-build schemes that such development is required to be well-related to a settlement, thereby reflecting objectives of the Framework.

Protected Habitat

16. The appeal site is within the catchment that flows into the Somerset Levels and Moors Ramsar, an internationally important wetland site. Nutrients entering into the catchment, including that deriving from a single dwelling, would increase phosphate levels to the detriment of the integrity of the Ramsar. The Conservation of Habitats and Species Regulations (2017) require the decision maker to undertake an Appropriate Assessment where there are likely to be significant effects from the proposal, either alone or in combination with other schemes. This responsibility falls to me in the context of this appeal with regard to the impact of the proposal on the Ramsar.
17. The appellants accept that there is a need for mitigation measures, suggesting they could be addressed as either a bespoke scheme for the site or as part of a regional local authority strategy, and that such measures could be achieved through a pre-commencement condition requiring phosphate mitigation. Had I reached a different conclusion on the other main issue, it would have been necessary for me to undertake an Appropriate Assessment and further consideration of the likely effectiveness of mitigation measures. In doing so I would have had regard to whether there would be significant effects arising from the proposal, either alone or in combination with other schemes.
18. Whilst noting the appellants suggestion of conditioning mitigation measures, this provides no certainty that mitigation can be achieved and maintained for the lifetime of the development. I cannot be certain that the integrity of the protected site would not be adversely affected, but as I am dismissing the appeal for other reasons, an Appropriate Assessment has not been necessary. The proposal would be contrary to the requirements of LP Policy D20 and the Framework, which seek amongst other things, that development protects internationally and nationally designated sites.

Other Matters

19. Concerns regarding the Council's handling of the application, including strategic drainage provision, relate to procedural matters and have no bearing on my consideration of the planning merits of the case.

Conclusion

20. The adverse impacts arising from the proposal would significantly and demonstrably outweigh the aforementioned benefits, and the suggested conditions would not overcome these substantial harms. The proposal would conflict with the development plan taken as a whole, and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR