



Appeal Decision

Site visit made on 9 June 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2023

Appeal Ref: APP/F0114/W/22/3313796

The Magpies, Mill Road, Radstock, Somerset BA3 3PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Greg Charlton, Charlton Properties Ltd, against the decision of Bath and North East Somerset Council.
 - The application Ref 22/01129/PIP, dated 9 March 2022, was refused by notice dated 4 November 2022.
 - The development proposed is 'Erection of three dwellings and associated development'.
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Decision

1. The appeal is allowed and permission in principle is granted for the erection of three dwellings and associated development at The Magpies, Mill Road, Radstock, Somerset BA3 3PX in accordance with the terms of the application, Ref 22/01129/PIP, dated 9 March 2022.

Preliminary Matters

2. As explained in the Planning Practice Guidance ('PPG'), the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order) is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development from the technical detail. The scope of the first stage, that is to establish whether a site is suitable in principle for development, is limited to location, land use and amount of development.
3. A site plan showing the layout of three dwellings was submitted with this appeal. However, the plan is marked as illustrative, and I have had regard to it only insofar as it is indicative of a development for three dwellings.
4. Since the determination of the original application, the Council has adopted the Bath & North East Somerset Local Plan Partial Update (January 2023) (the LPPU). The update is an interim and partial revision of the Bath & North East Somerset's planning policy framework. The LPPU is a schedule of changes to the Bath & North East Somerset Core Strategy (2014) (the Core Strategy) and the Bath and North East Somerset Placemaking Plan (2017) (the Placemaking Plan). This includes changes to existing policies, as well as the introduction of some additional new policies.
5. Insofar as it is relevant to the appeal proposal, the policies cited on the Council's decision notice have not fundamentally changed and remain part of the development plan. Additionally, parties have had the opportunity to refer to the LPPU as part of their appeal submissions.

Main Issue

6. The main issue is whether the principle of the proposed development is acceptable with specific regard to its location, the proposed land use and amount of development.

Reasons

7. The appeal site comprises residential curtilage associated with a detached dwelling ('The Magpies'), located to the south of Mill Road. The site sits alongside an existing built-up frontage on the edge of Radstock. It is located approximately 250m from Radstock town centre, however, it is located outside the settlement's designated 'housing development boundary' (HDB).
8. Policy DW1 of the Bath and North East Somerset Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update (adopted 2023) (the CS&PP) sets out the Council's district wide spatial strategy. The policy seeks to promote sustainable development, including through focussing new housing, jobs and community facilities in Bath, Keynsham, and Somer Valley, as well as in rural areas within settlements with a good range of local facilities.
9. Policy SV1 of the CS&PP establishes the specific spatial strategy for Somer Valley. With respect to housing development, it seeks to enable the delivery of approximately 2,500 homes within the HDB of key settlements, including Radstock. The policy further establishes that residential development at sites outside of HDBs would be permissible if identified within an adopted neighbourhood plan, or on previously developed land (subject to various other criteria).
10. Meanwhile, CS&PP Policy RE4 further reinforces the spatial strategy and sets out that new dwellings will not be allowed outside a HDB in the open countryside unless they serve an essential need for rural workers.
11. There is no dispute between the main parties that the proposed development would fall outside the HDB for Radstock. From a planning policy perspective, it therefore lies within the countryside. It also does not meet any of the exceptions for new housing outside the HDB that are set out in Policies DW1, SV1, or RE4.
12. The Local Plan Partial Update (LPPU) has only recently been complete and consistency with national policy is one of the key tests of soundness that the Inspector would have considered. In this regard there is nothing in the Framework regarding the use of development boundaries to suggest that they are inappropriate in principle as a tool to direct development proposals to sustainable locations or to protect the character and appearance of the countryside.
13. The Council is also able to demonstrate a 5-year housing land supply and therefore its policies are up-to-date having regard to Paragraph 11 of the Framework. I am also mindful that Paragraph 15 of the Framework emphasises that the planning system should be plan-led.
14. Notwithstanding the above, despite its position outside of the HDB the appeal site is well located to Radstock town centre, which provides a range of facilities and services. There are also several educational facilities located nearby. On

my site visit I observed that these were each within easy walking distance of the site, along relatively flat terrain.

15. There are continuous pavements along Mill Road that extend to the town centre, with street lighting available for much of the route. In certain locations, the width of the pavement reduces or is only available on one side of the road, whilst the existing pavement also stops slightly short of the appeal site. Nevertheless, from my observations, Mill Road did not appear to be heavily trafficked and the need to cross the road from the appeal site would not necessarily present safety concerns or deter future residents from utilising the route. I am also mindful, that there may be an opportunity to further improve the link between the appeal site and the existing footway as part of any future scheme that may come forward under the technical details stage.
16. As such, the appeal site is in a sustainable location in respect to access to services and facilities, while any future occupants would not be entirely dependent on the use of private vehicles.
17. The proposal would also not appear as an isolated development within the countryside. Whilst open fields lie immediately to the east of the site, it is bound by existing residential development to the west and south. Additionally, it is directly opposite commercial uses located on the northern side of Mill Road, the commercial uses also extend a considerable distance along the street (past the appeal site) to the east. As such, despite being in the countryside in planning policy terms, the proposed development would nonetheless relate closely to existing built form.
18. Whilst an indicative layout has been provided, I do not have full details of the scale and design of the final proposed development, including any landscaping arrangements. Much would therefore depend on the precise design of any scheme that may come forward at technical design stage. However, I find it conceivable that a proposal could emerge that would read well with existing surrounding development and not appear as an intrusive element into the wider countryside.
19. I recognise that the CS&PP seeks to promote an economic led strategy for Somer Valley due to a current imbalance between housing over jobs, that results in high-levels of out-commuting in the region. This further justifies the Council's position of limiting new dwellings to locations in compliance with Policies DW1, SV1 and RE4. However, from the evidence before me it is unclear as to whether the imbalance is specifically pertinent to Radstock or the Somer Valley region more widely. In any case, the proposal would result in up to three dwellings at the site, near the HDB. Given its modest scale, it is unlikely to lead to any significant increased pressures on outward migration. Furthermore, the proximity of the site to Radstock town centre and sustainable transport options would present opportunities for future residents to work locally and/or commute via sustainable means of travel.
20. Having regard to all of the above, the proposal would conflict with Policies DW1, SV1 and RE4 of the CS&PP due to its location outside of the HDB. Despite this, it would not undermine the purposes of these policies, notably to ensure that development takes place in sustainable locations that are served by facilities, services and public transport; protects the character and appearance of the countryside; and ensures that the Somer Valley region becomes more self-reliant.

Other Matters

21. The appeal site lies within the Radstock Conservation Area (RCA). Matters pertaining to issues such as scale, appearance and landscaping are subject to future consideration. However, subject to suitable design, the siting of dwellings in this location would not appear as an overly insensitive form of development, nor harmful to the character or significance of the RCA. From the information before me I have no reason to find harm to the RCA. As such, there is no conflict with policies which seek to protect local heritage assets or my duty thereunder.
22. The appellant has provided examples of previous application and appeal decisions for similar development schemes nearby that have been granted planning permission. However, each of these decisions had slightly different contexts to the appeal scheme, including the relevant planning policy position at the time, or locational differences. As such, these have not been determinative in my decision.
23. I note that the Parish Council objected to the original application based on concerns regarding the loss of industry in the area. The appeal site is not on allocated employment land, whilst there are already several residential properties located close by on Mill Road. As such, I do not consider that the proposed development would undermine activities at the existing nearby industrial sites.

Planning Balance and Conclusion

24. The proposal is contrary to CS&PP Policies DW1, SV1 and RE4. However, in this instance, the specific characteristics of the site would ensure there would be very limited harm by virtue of the conflict with the HDB. Whilst I do not consider the proposal would undermine the overall development strategy of the area.
25. Additionally, the proposed development would provide social and economic benefits associated with the delivery of up to three new dwellings. Although such benefits would be modest, they would outweigh the very limited harm that would arise from the policy conflict.
26. For the reasons outlined above, having regard to the development plan and all other material considerations, including the provisions of the Framework, the appeal is allowed.
27. The PPG makes it clear that it is not possible for conditions to be attached to a grant of Permission in Principle, whose terms may only include the site location, type, and amount of development.

Lewis Condé

INSPECTOR