



Appeal Decision

Site visit made on 12 September 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2023

Appeal Ref: APP/W3330/W/23/3318639

Land adjacent to The Meadows, Hatch Green, Hatch Beauchamp, Taunton TA3 6TL

- 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 James Marks against the decision of Somerset West and Taunton Council.
 - The application Ref 19/22/0021, dated 2 September 2022, was refused by notice dated 22 February 2023.
 - The development proposed is erection of 1 No. self-build, sustainable, carbon neutral dwelling with associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the proposal as set out in the Council's Decision Notice, which is more accurate than that used in the planning application form. The appellant has used this revised description in the appeal form and so I am satisfied that no parties would be prejudiced by my using this description.
3. During the appeal, it became apparent that incorrect ownership certification had been provided at the application stage, and that the site is owned not by the appellant but by family members. However, the correct notice has now been served and, from the evidence before me, no party has been prejudiced because of this error. I shall therefore deal with the appeal on this basis.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area, and
 - whether the site would provide a suitable location for the proposal, having regard to the strategy of the Development Plan, in particular the accessibility of the site to services and facilities.

Reasons

Character and Appearance

5. The site consists of a large field in active agricultural use, surrounded by tall hedging and with an access gateway from the road. There are a handful of houses and buildings close by, but the site is beyond the edge of the nearest village and in the countryside. The proposal is for a two-storey, self-build

dwelling, set into the ground, utilising a fall across the site. The dwelling would be sited deep into the field, and a new orchard would be planted to the front of it. To achieve access from the road to the dwelling, a new driveway would follow the inner edges of the site boundary, set behind existing and proposed tree and hedge screening.

6. Policy CP8 of the Taunton Deane Borough Council Core Strategy (TDCS), adopted September 2012, makes clear that development should be strictly controlled to conserve the open character of the countryside. To be permitted, the policy requires that proposals must protect and conserve the landscape and be appropriate in terms of siting, amongst other things.
7. The proposal would be set back behind a wall and have a low height. It seeks to have the appearance of a developed agricultural barn. Even so, the proposal would involve the erection of a large building of appreciable mass and built form, with extensive glazing. A new garden area would be created, with its associated domestic paraphernalia, such as washing lines and children's play equipment. The proposed driveway and parking area would add to the domesticated appearance of the proposal.
8. These features mean that the proposal would have an urbanising effect that would harmfully contrast with the largely undeveloped, countryside character of the site and of the surrounding rural landscape. Furthermore, the position of the dwelling would fragment the existing field, splitting it into two. As such, it would fail to reflect the physical features of the site. Not all dwellings hereabouts are positioned in a linear alignment that fronts the road. However, there are few, if any, that are sited as deep within their site as the proposal, or which require its somewhat lengthy and convoluted driveway arrangements. For these reasons, the proposal would appear incongruous, harmful and out of place.
9. Public views of the proposal obtainable from the road would be largely screened by landscaping and the proposed orchard. However, such screening cannot be relied upon, particularly in winter months, when foliage is reduced. Nor can the survival of such vegetation be guaranteed in the long term. In any case, I saw that public views of the proposal and its harmful effects would be available from nearby public footpaths, including path T14/9 adjacent to the field to its rear.
10. For these reasons, the proposal would harm the character and appearance of the area. It would therefore conflict with TDCS Policy CP8. It would also conflict with TDCS Policy DM1(d), which requires that no unacceptable harm is caused to the appearance and character of the landscape or the street scene. These policies are consistent with the aim of the National Planning Policy Framework (the Framework) to recognise the intrinsic character and beauty of the countryside, with which the proposal would also conflict. I therefore give significant negative weight to this harm.

Strategy and Accessibility

11. TDCS Policy SP1 sets out the Council's spatial strategy for development. It seeks to focus development on the most accessible and sustainable locations, such as urban areas or rural centres. The site lies outside of any settlement or site allocated for development and so is treated by the policy as being in the open countryside.

12. The proposal would erect a permanent dwelling in a location acknowledged as having restricted access to public transport, shops or to most other services or facilities. As such, it would be in a location where TDCS Policy SP1 does not focus new housing. That said, the proposal would enable the appellant to live much closer to his business, located not far away, which is an established local employer. This would mean that the appellant could undertake trips to work and in future to school by cycle or on foot, resulting in a significant reduction in carbon footprint.
13. However, patterns of travel to and from the dwelling would not be fixed. In time, either the appellant or future occupiers of the proposal may well have different patterns of movement, including for employment or educational purposes. Furthermore, even discounting these, the location of the site means that all future occupiers would be reliant on private vehicles for access to other day-to-day services and facilities, as would their visitors and deliveries.
14. The Framework advises that opportunities to maximise sustainable transport use will vary between urban and rural areas, and that new housing can enhance the vitality of rural communities. However, it also promotes sustainable travel modes that limit future car use. The countryside location of the proposal and its resultant reliance on private vehicles would ultimately cause environmental harm, by not contributing to a cumulative reduction in harmful greenhouse gas emissions, or to an improvement in air quality and public health. Furthermore, as only one dwelling, the proposal would do little to maintain or enhance the vitality of the local community.
15. If permission is not forthcoming, the appellant suggests that the business might relocate closer to his current home. I am told that this would put the current workforce at risk or require them to travel further, resulting in a worsening of sustainable transport movements. However, I have little substantive evidence about the likelihood of such a relocation, for example that it has any planning permission necessary. Nor do I have clear detail about the specific effects on employees' journeys to work, or the scope for mitigation, were such a relocation to occur. I therefore give the benefits of the proposal only limited weight in this regard.
16. The proposal is described as affordable housing, although the Council does not agree that it qualifies as such. Policy SB1 of the Taunton Deane Site Allocations and Development Management Plan (SADM), adopted December 2016, states that proposals in the countryside should be assessed against TDCS policies DM2, CP1 and CP8, unless (amongst other things) it accords with a specific development plan policy.
17. Policy DM2 relates to affordable housing in the countryside, but there is no dispute that the proposal would not comply with this policy. Nevertheless, the absence of support from this policy does not necessarily make the proposal unacceptable, as found by another Inspector in a decision at Bagley Green¹.
18. Policy CP1 relates to Climate Change. The proposal would be carbon neutral and so may well accord with some elements of this policy. However, the policy also requires that proposals should reduce the need to travel, through locational decisions, and can be satisfactorily assimilated into the landscape. For the reasons I have already given, the proposal would not meet these

¹ PINS reference D3315/W/17/3179264

requirements. Similarly, I have already found that the proposal conflicts with Policy CP8.

19. In respect of other Development Plan policies, I have been referred to TDCS Policy CP4, which aims to deliver affordable housing reflecting local needs, as does the Framework, including on rural exception sites. However, the proposal is for a single, five-bedroom dwelling. Although I have some evidence to suggest that there may be a need within the District for self-build units, this does not necessarily equate to a need for affordable housing. I have little evidence to demonstrate the nature of any local needs for affordable accommodation, or whether the proposal would meet those needs.
20. Furthermore, the proposal is intended to be occupied by the appellant. As a result, there is little to suggest that the proposal would be offered to those in greatest need of affordable housing, or that the appellant would be able to comply with any mechanism, such as a legal agreement, to ensure its occupation as affordable housing in perpetuity. Consequently, I have little to demonstrate that the proposal would be occupied or made available as affordable housing. I reach this conclusion regardless of whether it would form a route to affordable home ownership, or whether the exception from providing this at Framework paragraph 65(d), both referred to by the appellant, applies.
21. The proposal is for a self-build dwelling. TDCS Policy CP4 seeks the creation of mixed communities generally but also requires new housing to be consistent with the settlement hierarchy established in Policy SP1, which I have found the proposal would not meet. Therefore, policies DM2, CP1, CP4 and CP8 do not support the proposal and no other specific Development Plan policies have been identified. Accordingly, the proposal also conflicts with SADM Policy SB1.
22. I therefore conclude that the site would not provide a suitable location for the proposal, having regard to the strategy of the Development Plan, in particular the accessibility of the site to services and facilities. For the reasons I have already given, the proposal would conflict with TDCS Policy SP1 and SADM Policy SB1. TDCS policies CP1(a) and CP6 seek to reduce the need to travel, whilst SADM Policy A5 requires development to have walking or public transport access to a range of facilities. For the reasons given above, the proposal would conflict with these policies, and with the similar aim of the Framework to limit future car use. As such, I give this harm significant negative weight.

Other Considerations

23. The Framework requires that Local Authorities should review and, where necessary, update their Local Plans every five years. As a result, the appellant states that reduced weight should be given to the Development Plan policies I have referred to. The appellant also suggests that there is now a shortfall in the supply of housing land locally.
24. As such, I have considered the proposal on the basis that the Council's housing policies could be deemed out of date. Accordingly, it is necessary for me to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in addressing any undersupply, as set out in paragraph 11 of the Framework.

25. I have found conflict with the Development Plan policies set out above, which are consistent with the Framework. I therefore find that the proposal would conflict with the Development Plan as a whole. Against that, it would provide an additional unit of self-build accommodation. The Council is required by the Self-Build and Custom Housebuilding Act 2015 (as amended) to grant planning permission for enough serviced plots of land to meet the demand for self-build housebuilding in the District. Appeal decisions² have confirmed the weight that can be given to this when in determining such proposals.
26. In this case, the parties dispute whether the Council is achieving sufficient delivery of self-build houses. However, even if I were to accept the appellant's evidence of a significant shortfall in their supply, and in respect of housing supply generally, the proposal would only result in one additional dwelling. As a result, due to the small size of the proposal, its contribution to these forms of housing supply attract only limited positive weight.
27. The proposal would also bring economic and social benefits, including to the appellant's business and the wider community. The proposal would make more efficient use of the land and would be developed to high environmental standards, including from its heating, insulation, and orientation. It would also deliver ecological benefits, such as bird and bat boxes and the use of native species in planting. However, given that the proposal is for only one dwelling, these benefits are relatively minor and so carry only limited positive weight in favour of the proposal.

Other Matters

28. A draft Unilateral Undertaking (UU) has been submitted with the appeal. It seeks to ensure that the proposed planting and foul drainage treatment plant would be installed, managed and maintained satisfactorily. However, the draft UU has not been signed or dated. As it has not therefore been executed, I can give it no weight.
29. Even if the draft UU had been executed, its primary aim is to ensure the nutrient neutrality of the proposal. This is necessary to protect the Somerset Levels and Moors Special Protection Area and Ramsar site (the SPA) from the effects of an increase in phosphates resulting from the proposal.
30. The SPA is protected pursuant to the Conservation of Habitats Regulations 2017 (as amended). Had I found the proposal acceptable in respect of other matters, as competent authority I would have carried out an Appropriate Assessment in respect of the potential effects of the proposal on the SPA. However, as the balance of considerations is against the appellant, this matter need not be considered any further.

Planning Balance and Conclusion

31. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
32. Given the harm that I have identified, and the weight that I attach to it, I consider that the adverse impacts of granting permission would significantly

² For example, PINS reference APP/C1570/A/14/2223280

and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. For the reasons given, I have found conflict with the Development Plan, read as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR